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DEVELOPMENT CONTROL COMMITTEE AGENDA

THURSDAY 16 AUGUST 2017 AT 7.30 PM

COUNCIL CHAMBER, Civic Centre, HEMEL Hempstead

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The Councillors listed below are requested to attend the above meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Adshead
Clark
Guest
R Hollinghurst
Lawson
Lloyd (Chairman)

Macdonald
McKay
Reay(Vice-Chairman)
G Sutton
Whitman
C Wyatt-Lowe

Substitute Members

Councillors Mrs Bassadone, G Chapman, Conway, Mrs Green, Hearn, Harris, N Hollinghurst, Peter and Mrs Rance.

For further information please contact: Pauline Bowles, Members Support Officer on Tel: 01442 228221, E-mail Pauline.bowles@dacorum.gov.uk or visit our web-site www.dacorum.gov.uk

PART I

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1. MINUTES

The minutes of the meeting held on 26 July 2012 will be circulated separately.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. DECLARATIONS OF INTEREST

To receive members declarations of interest; to be announced at the beginning of the relevant planning application. It is requested that Members complete the pink interest sheet which can be found at the end of this agenda and then hand this to the Committee Clerk at the meeting.

4. PUBLIC PARTICIPATION

An opportunity for members of the public to make statements or ask questions in accordance with the rules as to public participation.

Time per speaker	Total Time Available	How to let us know	When we need to know by
3 minutes	Where more than 1 person wishes to speak on a planning application, the shared time is increased from 3 minutes to 5 minutes.	In writing or by phone	Noon the day of the meeting

You need to inform the council in advance if you wish to speak. There are limits on how much of each meeting can be taken up with people having their say and how long each person can speak for. The permitted times are specified in the table above and are allocated for each of the following on a 'first come, first served basis':

- Town/Parish Council and Neighbourhood Associations;
- Objectors to an application;
- Supporters of the application.

Every person must, when invited to do so, address their statement or question to the Chairman of the Committee.

Every person must after making a statement or asking a question take their seat to listen to the reply or if they wish join the public for the rest of the meeting or leave the meeting.

The questioner may not ask the same or a similar question within a six month period except for the following circumstances:

- (a) deferred planning applications which have foregone a significant or material change since originally being considered
- (b) resubmitted planning applications which have foregone a significant or material change
- (c) any issues which are resubmitted to Committee in view of further facts or information to be considered.

At a meeting of the Development Control Committee, a person, or their representative, may speak on a particular planning application, provided that it is on the agenda to be considered at the meeting.

INDEX TO PLANNING APPLICATIONS

Item	Application No.	Description and Address	Pg No.
5.1	4/00224/12/FUL	DEMOLITION OF GARAGE, SWIMMING POOL AND EXTENSION. REFURBISHMENT OF EXISTING DWELLING TO FORM TWO DWELLINGS AND CONSTRUCTION OF 4 NEW DWELLINGS. THE PINES, NORTH ROAD, BERKHAMSTED, HP4 3DX Grid Reference: SP 98559 07539	4
5.2	4/01044/12/FUL	ALTERATIONS AND EXTENSION TO EXISTING HOUSE AND CONSTRUCTION OF FOUR NEW DWELLINGS (AMENDED SCHEME) THE GREY HOUSE, KITSBURY ROAD, BERKHAMSTED, HP4 3EA Grid Reference: SP 98497 07759	23
5.3	4/02291/11/MFA	PART CONVERSION OF HOTEL TO PROVIDE GROUND FLOOR RESTAURANT (FLEXIBLE USE CLASS A3 AND A4) AND COMMERCIAL UNIT (FLEXIBLE A1 AND A2), AND PART CONVERSION OF HOTEL AND FORMER STABLES AND CONSTRUCTION OF TWO BLOCKS TO PROVIDE A TOTAL OF 36 RESIDENTIAL UNITS ROSE & CROWN HOTEL, HIGH STREET, TRING, HP235AH Grid Reference: SP 92482 11349	44
5.4	4/00926/12/FHA	PART SINGLE PART TWO STOREY FRONT AND REAR EXTENSIONS, REAR TERRACES WITH EXTERNAL STAIRWAY AND CREATION OF BASEMENT. 24 MILLFIELD, BERKHAMSTED, HP4 2PB Grid Reference: TL 00013 07886	68
5.5	4/00199/12/FHA	DEMOLITION OF REAR STORE. PART TWO STOREY PART SINGLE STOREY REAR EXTENSION 4 BOUNDARY COTTAGES, CHIPPERFIELD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JT Grid Reference: TL 02964 02954	76
5.6	4/00894/12/FHA	REPLACE HEDGING WITH BRICK WALL AND AUTOMATIC GATES WAYSIDE COTTAGE, WAYSIDE, CHIPPERFIELD, KINGS LANGLEY, WD4 9JJ Grid Reference: TL 04913 02279	86
5.7	4/01239/12/FHA	DROPPED KERB 50 TOWER HILL, CHIPPERFIELD, KINGS LANGLEY, WD4 9LH Grid Reference: TL 03487 02513	93
5.8	4/01207/12/FUL	INSTALLATION OF 1X6M COLUMN WITH 2X150W HALIDE FLOOD LIGHTING ADJACENT TO SKATEBOARD PARK CANAL FIELDS, BROADWATER, BERKHAMSTED Grid Reference: SP 99017 08121	100

5.1.

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**5.2 4/01044/12/FUL - ALTERATIONS AND EXTENSION TO EXISTING HOUSE AND CONSTRUCTION OF FOUR NEW DWELLINGS (AMENDED SCHEME)
THE GREY HOUSE, KITSBURY ROAD, BERKHAMSTED, HP4 3EA
APPLICANT: BLACK LAB DEVELOPMENTS**

[Case Officer - Yvonne Edwards]

[Grid Ref - **SP 98497 07759**]

Summary

The application is recommended for approval.

The amended scheme has addressed the reasons for the dismissal at appeal of the 2010 application. This has been achieved by reducing the proposed openings in the Grey House itself, in both size and number, and by reducing the number of proposed dwellings to four. The pair of semi-detached dwellings has been removed, being replaced by one, 2-storey dwelling which has been designed to complete the courtyard element of the scheme. This has reduced the loss of the garden thus retaining further trees and leaving a wide gap between the Grey House and the new dwelling to its side. The terrace has been reduced by one dwelling, effectively creating a pair of asymmetrical semis. This has allowed a gap between the Lodge and Plot 6, which is to be called the Gables for ease of reference, which improves the appearance of the site in longer views and reinforces the primacy of the Grey House.

It is considered that the reasons given by the Inspector for dismissing the appeal on the first submission, and the reasons for refusal on the last submission have been addressed successfully and this scheme may be granted permission.

Site Description

The Grey House is a large Victorian villa in a prominent hillside site at the top of Kitsbury Road, within the Berkhamsted Conservation Area. It is set in large grounds for the immediate area, which is characterised as a transition between the high density terrace dwellings to the north and the low density detached dwellings to the north. The dwelling is in a poor state of repair and the grounds are overgrown. There are a number of trees on the site, including a collection of fruit trees, which are currently protected by an area tree preservation order.

The vehicular access to the site is directly adjacent to steps at the entrance of the alleyway leading to Anglefield Road. The gate piers and associated walls are in a poor state and the downhill section of the wall has collapsed.

History

4/02008/11/FUL ALTERATIONS AND EXTENSION TO EXISTING HOUSE AND
CONSTRUCTION OF FIVE NEW DWELLINGS (AMENDED SCHEME)
Refused
18/01/2012

4/01151/10/FUL ALTERATIONS AND EXTENSION TO EXISTING HOUSE AND
CONSTRUCTION OF SIX NEW DWELLINGS
Refused
17/11/2010

Proposal

It is proposed to restore the Grey House, with a new rear wing to replace the existing, subsiding wing. This would be shorter, but wider, to contain a double garage with parking in front on the ground floor and bedroom above. The made ground which forms the front slopes to the dwelling is to be partly excavated to allow the cellar to become a lower ground floor, with a single leaf door proposed in each bay. The Kitsbury Road elevation front door has been redesigned to complement the architecture of the dwelling better, with a reduced opening and small canopy.

The existing garage is to be demolished and the entrance widened slightly to allow access to the site. A site access drive is proposed to go east-west across the site and would give access to two tiers of development: the rear tier would be on the upper part of the site and a two-storey dwelling is now proposed to the west of the Grey House. The rear tier would contain one and a half storey dwellings, set partially lower than the existing ground level to maintain subservience to the Grey House. A lodge (2-bed dwelling) is proposed to the eastern boundary, with an asymmetrical pair of 4-bed semi-detached dwellings proposed to the west of this; the pair would have sunken patios to the rear. The single dwelling (Gardener's House) would be a 4-bed, two storey dwelling, with an attached garage which would be one of a pair of single garages completing the enclosure of the courtyard; the second garage would serve the coach house. There would be two dedicated parking spaces per dwelling, with room for informal parking on the access road.

Referral to Committee

This application is before the committee as the previous scheme was refused by the Committee.

Policies

National policy guidance

NPPF
Circular 11/95

Dacorum Borough Local Plan 1991 - 2011

Policies 1, 2, 10, 11, 13, 16, 21, 58, 99, 120
Appendices 1, 3, 5, 7
Conservation Area Character Appraisal for Berkhamsted

Supplementary Planning Guidance

Environmental Guidelines: Section 7

Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

Policies CS1, CS12, CS17, CS27, CS29, CS31, CS32

Representations

Berkhamsted Town Council

No objection. However, the following concerns were raised on the need to agree a landscaping scheme to retain and plant more trees on the site and the need to investigate a more suitable location for the bin store for the Grey House.

Conservation and Design Officer

I have no conservation or design objections in principle to this revised scheme and consider it an improvement on the previous application since it provides greater landscape/garden setting around the existing house which is to be retained.

Please can you condition:

- All materials
- Windows and doors to be timber, scaled drawings showing details at 1:10 and 1:2
- Metal rainwater goods
- Conservation roof light, size and profile to be approved
- Details of brick/stone work for window heads and decorative brickwork (eaves and string course) to be agreed by scaled drawing including colour
- Garage doors to be timber, details of garage doors and method of opening
- Details of pierced lattice porch including canopy
- Brick bond to be Flemish, sample panel to be erected for approval
- Boundary treatment
- Hard and soft landscaping including lighting and parking areas

Tree Officer

With regard to trees I have no additional comment to make concerning this current planning submission at The Grey House. Comments made previously to former submissions remain valid:

Tree removal has previously been discussed, the quantity and location of trees agreed by the applicant and this department. The existing grounds of The Grey House are covered by Area Tree Preservation Order. As such the duty to replace each tree removed due to the development of the site could be imposed. Tree replacement should reflect in number and variety that lost to development. Tree replacement proposals should be agreed with this department stating tree species, tree size, location, planting specification and maintenance regime.

Tree planting had been proposed in the original scheme between new dwellings and the north-western boundary. However, in these revised plans there is insufficient space in which to plant at this location. Additional areas of planting should be identified which should include the gap now created by the removal of the end-of-terrace dwelling. Although built structures are proposed close to the north-western boundary it is unlikely that the installation of necessary foundations will affect vegetation in adjoining property. Here vegetation is of small size and so root systems will reflect this and be unaffected by the excavation of foundations.

Details of ground protection measures should be forwarded to this department for approval, showing how the root protection areas (RPAs, BS5837:2005) of retained trees are to be safeguarded.

Environmental Health Officer

No comments to date.

Contaminated Land Officer

Due to the sensitive nature of the proposed land use, consideration should be made to the potential for contamination to affect the development. Therefore I recommend that a contamination condition be applied to this development should permission be granted. I note from the submitted sustainability statement it appears that a Phase 1 site investigation has been undertaken. Ideally this should be submitted to the Council for approval prior to determination of the application.

Herts Highways

After looking through this latest amended application details the only changes that affect the highway in a material way would be the net reduction in dwellings.

However, the previous highway comments covering access, parking and now an overall reduced trip rate that the site will generate are still pertinent to this scheme and the LPA are guided to consider them again for this latest application.

Herts Property Services

Nursery Education £1,552

Childcare £661

Youth £262

Libraries £870

All calculations are based on PUBSEC index 175 and will be subject to indexation.

Provision

Fire hydrant provision is also sought and should be secured by the standard form of words in a planning obligation.

Justification

The above figure has been calculated using the amounts and approach set out within the Planning Obligations Guidance - Toolkit for Hertfordshire (Hertfordshire County Council's requirements) document, which was approved by Hertfordshire County Council's Cabinet Panel on 21 January 2008 and is available via the following link:

www.hertsdirect.org/planningobligationstoolkit

Please note, financial contributions and provisions are requested based on current service information for the local area however these may change over time, for example, as a result of school forecast information being updated. Accordingly, future applications on this site will be reassessed at the time of submission and the requirements may differ from those identified above.

Herts Biological Records

I have considered the accessible details of the above and have the following comments:

1. There are two principle ecological issues associated with the impact of the development proposals on this site: orchard habitat within the grounds of the Grey House and bats.

2. In respect of the orchards (as part of the grounds of the Grey House), the current D&A Statement refers to Policy 11. It is clear that the loss of 90% of the fruit trees -which together technically meet 'Priority Habitat' status as an orchard - will mean that the impact will not satisfy the requirements of Policy 11. However, we have no further information on this site other than that available previously and it is unlikely that the site would meet Wildlife Site status (which locally is more rigorous than the Priority Habitat status to take account of the potential for garden sites with half a dozen small trees to meet the criteria). However recent survey work (2011) across the county has demonstrated the significance of even relatively small sites of some historic standing in supporting a rich and characteristic lichen flora. Therefore what would effectively be the complete loss of this orchard site locally will be harmful.

3. The inspector's views at the Appeal further endorse the current nature of the site in respect of the role it plays as part of the conservation area. Unless the proposals are significantly modified in respect of the extent of new development, this character will be degraded as they will reduce the substantial gardens and largely undeveloped nature of the plot. Despite accepting other aspects, this is recognised as a fundamental issue by the Inspector.

4. The previous application's concerns regarding desirable retention of trees in respect of landscaping contrasts somewhat with the almost wholesale loss of trees the proposals will cause.

5. Consequently, whilst the new proposals may have overcome some of the issues sufficiently to justify an approval of the current application, I consider the proposals, if approved, remain sufficiently damaging locally to require compensation for their impact on the orchard and wildlife habitat it generally provides. The provision of a commuted sum for orchard conservation as proposed previously would appear entirely consistent with the desire of the applicant to minimise the impact of the proposals. Whilst this will not serve to achieve this on this site, the opportunity to provide a future replacement resource elsewhere in the locality is not an unreasonable requirement if the current proposals are approved. A commuted sum should be paid to enable a replacement orchard to be created locally to compensate for the loss of the feature within the site. This should enable a sufficient number of fruit trees to be planted to create a discrete new feature on suitable land elsewhere, of a similar size and variety of trees.

Any monies could be paid to Hertfordshire Orchards Initiative, which is the County Biodiversity Action Plan Group established to further orchard conservation within the county. £1000 would contribute to a new orchard of 25 trees and support the enabling work of HOI.

6. In respect of bats, no evidence was found previously despite the circumstances which appeared highly likely to support bats. Consequently a supervised roof stripping was advised. However, given that the original report is now over one year old and circumstances may have changed, I advise that another Inspection Survey is undertaken prior to any works commencing and a report made available to the LPA. Given the lack of previous evidence, I would be content if this was to be undertaken as a Condition of approval rather than a requirement before current determination, although as this can be undertaken at any time of year, strictly speaking this could be undertaken now. However in the circumstances I do not see why this should hold up a determination at this stage given that a previous survey found no evidence. Another inspection survey is primarily precautionary, but if this was to prove positive, further surveys and a mitigation strategy would be a necessary requirement before the Condition could be discharged to enable

the development to proceed.

7. In any event, I advise that if approved, it would be sufficient to attach an informative to any permission relating to bats

English Heritage

We do not wish to offer any comments on this occasion.

Fire Officer

No comments to date.

Thames Water

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required.

Sewerage infrastructure - we would not have any objection to the above planning application.

Crime prevention officer

The officer has requested details of window and door security by condition.

Local residents

There have been several letters of objection from local residents. These have centred on a number of issues most notably: the loss of a garden; the scale and design of development; access; road safety; loss of wildlife habitat; loss of trees; overlooking and parking.

These are summarised by address where this has been provided:

25 Kitsbury Road

overdevelopment

potential danger to pedestrians, particularly young children going to and from school

out of keeping with the conservation area

adverse impact on trees and wildlife

insufficient parking in Kitsbury Road

35 Kitsbury Road

omission of one house makes little difference

reduction in spaciousness

local community should decide on development

access issues

danger to pedestrians, particularly young children

loss of wildlife habitat

damaging to conservation area

doubling of traffic in adjacent highway
no visitor parking
loss of green backdrop
loss of varied townscape
no need for dwellings

36 Kitsbury Road
out of keeping
overdevelopment
too much garden lost to development
alteration of skyline
access anger to pedestrians

39 Kitsbury Road
over development of the site and would not be in keeping
safety impact on the alleyway
impact on road congestion and safety at the intersection with Charles Street

2 Anglefield Road
no loss of building would occur
would be no additional soft landscaping
loss of rare fruit trees
aggressive scale of overdevelopment
access unsafe for pedestrians
creation of parking congestion
garden is important for tranquillity

4 Anglefield Road
out of keeping with the conservation area
over-development of the site
danger to pedestrians using Kitsbury Road and the alleyway
insufficient parking at the site for visitors
loss of wildlife habitat
the size of the gardens, particularly at the south side, is too small for the nature of these houses
disrepair of Grey House as a reason for development is unreasonable

6 Anglefield Road
development needs to be appropriate to the area
Contrary to Policy 120, overdevelopment
no significant changes to the refused schemes
no of buildings not reduced
little reduction to bulk and scale and gaps between dwellings
renovation of Grey House could happen now
Previous objections still stand:
new houses will detract from open character
the Grey House will be crowded and confined and not enhanced
the site should be for low density housing
the proposals would not respect the established building lines
the houses would not be subservient and would be out of proportion
the wall should be retained
5 houses will increase the burden on facilities
the scheme is oppressive and cramped
the lodge will be extended under pd or permissions

*loft conversions will exacerbate overlooking
garden lengths will be less than the required minimum and out of character for the area;
they will be overshadowed by trees and on a north slope, leading to neighbour disputes
due to loss of light
removing trees would be wrong
overlooking to rear garden and swimming pool
the "visibility margin" on sight lines will lead to a high likelihood of a child being injured
dust cart and fire appliance access to houses is doubted
no visitor parking on site will lead to congestion and reversing vehicles
lack of disabled access to the lodge should be a reason for refusal
tree loss and habitat destruction
bat survey is out of date
proposals breach the restrictive covenants on the site.*

93 Cross Oak Road

no consultation with residents by developer
submitted during school holidays
the proposals jeopardise the integrity of the conservation area
the proposals are out of context with the surrounding building lines, layouts and patterns
felling of a number of trees
increase in the number of cars
inadequate access
over development of the site

95 Cross Oak Road

adverse impact on the conservation area
overdevelopment of backland
gardens are too small and out of keeping
tree loss especially on boundaries
loss of privacy due to garden overlooked by bathroom window
visual intrusion
dangerous access
insufficient visitor parking

105 Cross Oak Road

Frosted glass should be used in both bathrooms of Plot 6 to avoid overlooking
Concerns as to the loss of trees and loss of green area
Highway safety concerns for the footpath on Kitsbury Road

Considerations

The Previous Schemes

The first scheme for this site - alterations and extension to existing house and construction of six new dwellings - was refused permission and dismissed at appeal. The Inspector concluded that the alterations to the north elevation of the Grey House would unbalance the appearance of the House (paragraph 11) and that the proposal would fail to maintain the balance between built development on the site and its gardens (paragraph 14). He was content that the design of the Coach House and Outbuildings, and of the Lodge, were acceptable and sympathetic to the character and appearance of the area (paragraph 13). However, he considered that the pair of semi-detached dwellings to the side of the Grey House together with the terrace with associated hard standing would unduly urbanise the site, eroding the spacious garden landscaped setting of the house to an unacceptable degree (paragraph 10).

He agreed with the Highway Authority that the access would be acceptable in terms of highway safety (paragraph 17) and he accepted the level of parking (paragraph 18). He stated that the proposals would not result in material overlooking of properties or gardens nor would the scheme have had an overbearing impact on the outlook of neighbours (paragraph 19).

The subsequent resubmission for five dwellings attempted to address these comments but was refused against officer's recommendation as follows:

the proposed development, by reason of its size, scale and bulk, would fail to maintain the balance between built development on the site and open space and gardens. It would thus result in significant harm to the setting of the Grey House, its heritage value and the wider character and appearance of the Berkhamsted Conservation Area.

Policy and Principle

The development of dwellings in a residential area is acceptable in principle. The development of dwellings in rear gardens has been the subject of the recent policy alterations. Garden land is now not considered as a brownfield site, but this does not place an embargo on the construction of dwelling in gardens. Site specific aspects are important consideration in assessing such schemes, as is the character of the conservation area with respect to density and design; these considerations are not affected by the policy changes. Thus the principle of permitting residential development within a residential area is not affected, although the removal of the minimum density figure of 30 dwelling per hectare does allow more sympathetic schemes to come forward on sites such as this. The Inspector concurred with this (paragraph 9 and 10). The dwellings would need to be acceptable under Policy 120 of the Local Plan, where development should preserve or enhance the character and appearance of the Berkhamsted Conservation Area.

The National Planning Policy Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development (paragraph 49). The Pre-Submission Draft of the DBC Core Strategy has some weight but the saved policies are still pertinent.

The Grey House

The Grey House is an important heritage asset in Berkhamsted, although not worthy of listing. It is an imposing Victorian villa set in its own, extensive, walled grounds encompassed by the Berkhamsted Conservation Area. Directly adjacent and opposite are other detached houses in their own grounds. The importance of the Grey House is reflected in the character of this imposing building with its long views over the Bulbourne Valley and the extent of its generous curtilage. The house, its spacious grounds and its boundary wall are considered to make a positive contribution to the Conservation Area lending a strong rationale and distinctive character to the conclusion of Kitsbury Road. The building and its setting visually dominate the subsidiary buildings further north east of Kitsbury Road, reflecting the historical development of the area and the importance of this building. This scheme would restore the dwelling, albeit with some changes to elevations, and retain the imposing dwelling within the historic walls of the site.

The proposed alterations have been amended in accordance with the opinion of the Inspector: the north elevation dormer window has been removed and the access to the sub-basement is now proposed via a single-leaf door, thus requiring the removal of smaller proportion of the backfill which is in front of the basement. The proposed main entrance in the Kitsbury Road elevation has been reduced in width and given a canopy to signal its role as the front door.

There is no bin store designated for the Grey House, this is conditioned. The refuse collection point indicated on the site plan is for bins assembly on collection day only.

The new dwellings

The layout and design of this scheme has been amended to address the Inspector's reason for dismissal of the previous submission. The primacy of the Grey House on the site has been enhanced by the removal of the pair of semi-detached dwellings. These have been replaced by the Gardener's House, a 4-bed, two storey dwelling; the replaced semi-detached dwellings were two and a half storey. This dwelling has been attached to a pair of single garages which, in turn, are attached to the now two dwellings, one having been removed from what was the short terrace, thus creating a semi-enclosed courtyard. This has allowed a gap of 16 m to be maintained to the north-west of the Grey House, allowing the retention of a group of trees which will be supplemented by further planting by condition to ensure that the setting of the Grey House is maintained in longer views. It has increased the gap between the Lodge and what is now termed "the Gables" to give a gap of 8 m.

The Gables (Plot 6) is a 4-bed dwelling and has a side extension to the rear of the dwelling.

The Gardener's House would be L-shaped, with a pitched roof, prominent chimney, brick eaves detail and tile banding on the roof. It would have an open porch and a single storey rear extension to the proposed dining room, in octagonal form. The house is acceptable in both design and materials.

All of the dwellings would be subservient to the Grey House in height. Level details have not been submitted with this application however and so a slab levels condition will be imposed.

The layout continues established building lines for both tiers of development, with the design still endeavouring to create a sympathetic grouping of buildings which could have existed in Victorian times to give a settled appearance to the development. The completion of the courtyard, with the attachment of the Gardener's House, is considered a better solution in design terms and the loss of a dwelling to what was the terrace does not detract from the group. These dwellings have been kept as low as possible given the sloping nature of the site. The design is acceptable to the Conservation and Design officer with conditions on materials.

Owing to the location of the site on the hillside within the conservation area, it is considered necessary to removed permitted development rights for extensions and alterations to the dwellings, to protect the historic wall and to control the provision of renewable including wind turbines and solar pv arrays.

Access and parking

The introduction of a rumble strip and the reinstatement of the 4.1m wide entrance all serve to signal to drivers that they should approach this gateway with caution. Sight lines are acceptable to the Highway Authority. This access was acceptable to the Inspector in terms of highway safety. The scheme is acceptable with respect to parking provision. A condition will be imposed to ensure that the garages are retained for that use in the interests of highway safety.

Impact on neighbours

The site is very well-wooded and much of the cover at the boundaries would be retained, with supplementary planting to be conditioned. Trees are also common at the rear/sides of neighbouring dwellings. The spacious layout of the neighbouring dwellings means that there would be no overlooking nor overbearing aspects to the proposals: the nearest dwelling would be over 40 m from the proposals. There would, however, be some views into the site, especially in winter months. The Inspector found the layout of the dismissed scheme to be acceptable with respect to residential amenity. He stated that those proposals would not result in material overlooking of properties or gardens, nor would that scheme have had an overbearing impact on the outlook of neighbours; the current scheme would be the same as - or no worse than - that assessed by the Inspector as there would be no overlooking to the west..

Trees

The trees on the site are currently protected. The Tree Officer has worked with the applicant's agent to maintain the maximum number of trees, but many are at the ends of their safe, useful life and cannot be retained. The Hornbeam is growing around the void of the old air raid shelter and is considered likely to have insufficient root structure to be retained. Supplementary planting is to be conditioned, as are details on tree protection measures.

Bats

There is no evidence of bat activity on the site from the first survey undertaken; a second survey has now been completed which again shows no evidence. It is therefore considered that the local planning authority's duties in this respect have been discharged but an informative will be added for the avoidance of doubt.

Sustainability

The Energy Statement suggests that these dwellings would be sustainable and would achieve Code 3 of the Code for Sustainable Homes which is now equivalent to the Building Regulation requirements. The Energy Statement notes measures which could be used to improve sustainability and mentions a number of options including rainwater harvesting for which details have not been given, so this will be conditioned.

Construction

Owing to the location of the site at the top of a cul-de-sac it is considered that conditions are required to ensure that construction activity has the minimal adverse effect on the area. Thus all construction activity shall be undertaken on the site, but without detriment to protected trees, and wheel washing shall occur on the site.

S106 Unilateral Undertaking

A unilateral undertaking is being prepared in accordance with the requirements of the Planning Obligations SPD of May 2011. The Inspector could not support financial contributions for youth services, childcare or sustainable transport and these are no longer required by the Unilateral Undertaking. The County's Senior Ecology Officer has requested a commuted sum to enable an orchard to be established locally.

The Heads of Terms are:

Child Play Space Contribution
Cycle Networks Contribution
Library Contribution
Natural Green Space Contribution
Orchard Contribution
Playing Pitches Contribution
First and Middle School Contribution
Upper School Contribution
Travel Smart Contribution
Monitoring and Administration Contribution

The amounts are under discussion at present and the figures will be present to the Committee.

Objections

A number of objections were received from neighbours; these are examined in the context of the Inspector's Decision Letter.

The Inspector was satisfied that there would be no material overlooking, no overbearing development, no reason to conclude that the level of parking would be unacceptable; and that the scheme would be acceptable in Highway safety terms. He did not dismiss the appeal on the grounds that the gardens would be too small, and considered that density is a question of balance, not a particular level. He did not mention overshadowing by trees as a concern, and he strove to keep the site as well-wooded as practical, encouraging boundary planting.

Other matters: future site development is to be controlled by the removal of permitted development rights to avoid overdevelopment by extension, although this is already better controlled in conservation areas, by no permitted development rights for side extensions for example; the walls of the site are to be retained; fire and refuse vehicle access is acceptable; a new bat survey has been undertaken; some tree loss is acceptable; and the Unilateral Undertaking would help alleviate the increased burden on facilities.

Objections on the grounds of overdevelopment, detraction from character, adverse effect on the Grey House, lack of subservience and loss of habitat are all noted but it is considered that the reduction of mass and bulk by the replacement of the semi-detached dwellings by the smaller Gardener's House and the loss of a further dwelling to what was the short terrace, have allowed the Grey House a much improved setting, allows more tree planting and retention of more of the existing habitat.

Conclusions

It is considered that both the quantum and the location of development to the side of the Grey House have been sufficiently reduced in size and distance from the Grey House that the concerns of the Inspector have been addressed with respect to the balance between built development and the gardens on the site. The design of the Gardener's House is acceptable, as is the redesign of what is now called "the Gables" (Plot 6) as is the attachment to the twin garages to complete the courtyard. The amendments to the alterations to the Grey House itself now accord with the views of the Inspector and are acceptable for approval.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

Site Location Plan

5040/01

5040/02

5040/101

5040/041

5040/051

5040/061 Rev C

5040/071 Rev D

5040/081

5040/091 Rev F

5040/121

5040/122

5040/123

5040/124

5040/110 Rev A

5040/033 Rev D

5040/119 Rev C

5040/120

5040/118 Rev B

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 **No development shall take place until details of all materials including sample panels, scaled drawings of decorative brickwork, Flemish brick bond, mortar mix and render, timber doors, windows, garage doors and conservation rooflights with details at 1:20 including security measures, metal rainwater goods, details of pierced lattice porch including canopy and any other detailing to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To ensure a satisfactory appearance to the development and the interests of the visual amenities of the Conservation Area in accordance with the aims Policies 11 and 120 of the Dacorum Borough Local Plan 1991 - 2011 and Policies CS12 and CS27 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

- 4 **No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the**

local planning authority. These details shall include:

- hard surfacing materials;
- means of enclosure;
- soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; details of the size, species, and positions or density of all trees to be planted, and the proposed time of planting.
- trees to be retained and measures for their protection during construction works;
- details of root protection areas of trees in adjacent gardens and measures for their protection during construction works;
- proposed finished levels or contours;
- car parking layouts and other vehicle and pedestrian access and circulation areas;
- minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc);
- proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc, indicating lines, manholes, supports etc);
- retained historic landscape features and proposals for restoration, where relevant.

The approved landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the first occupation of the development hereby permitted.

Reason: To ensure a satisfactory appearance to the development and the interests of the visual amenities of the Conservation Area in accordance with the aims Policies 11 and 120 of the Dacorum Borough Local Plan 1991 - 2011 and Policies CS12 and CS27 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

- 5 **Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and the interests of the visual amenities of the Conservation Area in accordance with the aims Policies 11 and 120 of the Dacorum Borough Local Plan 1991 - 2011 and Policies CS12 and CS27 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

- 6 **During the course of construction works the wheels of all vehicles leaving the development site shall be cleaned so that they do not emit dust or deposit mud, slurry or other debris on the highway.**

Reason: In the interests of highway safety in accordance with the aims Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-

submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

- 7 **All storage areas and facilities for on-site parking for the use of all contractors, sub-contractors and delivery vehicles engaged on or having business on the site associated with the construction of the development hereby permitted, including the access works, shall be provided for the duration of the development on land which is not a public highway and which is not in an area required for tree protection and the use of such areas must not interfere with the use of the public highway or any trees.**

Reason: To ensure the adequate and satisfactory provision of off-street construction-related vehicle parking facilities in accordance with the aims Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

- 8 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written approval of the local planning authority:**

**Schedule 2 Part 1 Classes A, B, C, D
Part 2 Class B
Part 40 Classes A, B, C, G, H and I.**

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the Conservation Area and historic wall in accordance in accordance with the aims Policies 11 and 120 of the Dacorum Borough Local Plan 1991 - 2011 and Policies CS12 and CS27 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

- 9 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification) the garage hereby permitted shall be kept available at all times for the parking of vehicles associated with the residential occupation of the dwelling and it shall not be converted or adapted to form living accommodation.**

Reason: In the interests of highway safety in accordance with the aims Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

- 10 **The windows at first floor level in the west elevation of Plot 4 hereby permitted shall be permanently fitted with obscured glass unless otherwise agreed in writing by the local planning authority.**

Reason: In the interests of the residential amenities of the occupants of the adjacent dwellings in accordance in accordance with the aims Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

- 11 **Notwithstanding any details submitted as part of the planning application, prior to the commencement of the development hereby permitted, plans and details showing how the development will provide for renewable energy and conservation measures, and sustainable drainage and water conservation shall be submitted to and approved in writing by the local planning authority. The approved measures shall be provided before any part of the development is first brought into use and they shall thereafter be permanently retained.**

Reason: To ensure the sustainable development of the site in accordance with the aims of Policy 1 of the Dacorum Borough Local Plan 1991 - 2011 and adopted Supplementary Planning Guidance and Policy CS29 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

- 12 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.**

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;**
- (ii) an assessment of the potential risks to:**
 - human health,**
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,**
 - adjoining land,**
 - groundwaters and surface waters,**
 - ecological systems,**
 - archaeological sites and ancient monuments;**
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).**

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the adopted Dacorum Borough Local Plan 1991 - 2011 and Policy CS12 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

- 13 **No development shall take place until details of the proposed slab, finished floor and ridge levels of the buildings in relation to the existing and proposed levels of the Grey House and the surrounding land shall have been submitted to and approved in writing by the local planning authority. The buildings shall be constructed in accordance with the approved levels.**

Reason: For the avoidance of doubt, to ensure a satisfactory form of development and the interests of the visual amenities of the Conservation Area in accordance with the aims Policies 11 and 120 of the Dacorum Borough Local Plan 1991 - 2011 and Policies CS12 and CS27 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

- 14 **No trees shall be removed within the bird nesting season (March – Sept) until a report prepared by a suitably qualified ecologist providing an assessment of their use by nesting birds has been submitted to and approved in writing by the local planning authority. Any works shall be undertaken in accordance with the approved plan.**

Reason: In the interest of nature conservation in accordance with the aims Policy 11 of the Dacorum Borough Local Plan 1991 - 2011 and Policy CS26 of the pre-submission draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012').

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The site is located in an area where residential development is acceptable in principle in accordance with Policy 2 of the Borough Plan. There would be no adverse effects on the appearance of the Grey House or the appearance of the street scene. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. The proposals therefore accord with Policies 11, 99 and 120 of the Borough Plan. The development would preserve or enhance the character of the Conservation Area.

NOTE 2:

The following policies of the development plan are relevant to this decision:

Dacorum Borough Local Plan 1991 - 2011

Part 3 General Proposals

Policies 1, 2, 10, 11, 13, 16, 21, 58, 99, 120

Appendices

Appendices 1, 3, 5 and 7

Supplementary Planning Guidance

Environmental Guidelines – Development in Conservation Areas or Affecting Listed Buildings

Pre-Submission Draft of the DBC Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

Policies CS1, CS12, CS17, CS26, CS27, CS29, CS31, CS32

INFORMATIVE

If bats are discovered during the course of any works, work must stop immediately and Natural England (0300 060 3900) or the Hertfordshire & Middlesex Bat Group Helpline (01992 581442) should be consulted for advice on how to proceed.

**5.3 4/02291/11/MFA - PART CONVERSION OF HOTEL TO PROVIDE GROUND FLOOR RESTAURANT (FLEXIBLE USE CLASS A3 AND A4) AND COMMERCIAL UNIT (FLEXIBLE A1 AND A2), AND PART CONVERSION OF HOTEL AND FORMER STABLES AND CONSTRUCTION OF TWO BLOCKS TO PROVIDE A TOTAL OF 36 RESIDENTIAL UNITS ROSE & CROWN HOTEL, HIGH STREET, TRING, HP235AH
APPLICANT: CRAYDAWN PENDLEY MANOR LIMITED**

[Case Officer - Sally Peeters]

[Grid Ref - **SP 92482 11349**]

Summary

The application is recommended to be delegated with a view to approval subject to the completion of a legal agreement .

The site falls within the Town Centre of Tring, wherein the principle of residential and mixed use development is acceptable under Policies 2 and 9 of the Dacorum Borough Local Plan (Policies CS1 and CS4 of the Pre-Submission Draft Core Strategy). Policy 14 (CS17 of the PSDCS) encourages the development of housing to meet the district housing allocation. Policy 10, encourages the use of urban land to be optimised. There are no policies which explicitly protect the hotel use.

Policy 11 (CS12 of PSDCS) seeks a high quality of design in all development proposals. The proposed development although relatively high density will be sympathetic to surrounding development and would not adversely affect the appearance of the street scene or the character of the area. The proposal will not significantly impact on the amenities of immediate neighbours.

The access to the site is not ideal, however, bearing in mind the existing usage and approved scheme it is considered the proposal will not be significantly prejudicial to highway safety. The highway authority is satisfied the provision of parking is adequate for this location.

The site also falls within the Tring Conservation Area, where in accordance with Policy 120 of the Borough Plan (CS27 of the PSDCS) development must be carried out in a manner which preserves or enhances the established character or appearance of the area. The proposed development would have no adverse impact on the character of the conservation area and will improve the appearance of the Rose and Crown and provide a focal front Piazza.

The proposal will provide much needed affordable housing and make significant contributions towards local infrastructure.

Site Description

The application site of approximately 0.52 ha is located within the defined Tring Town Centre on the southern side of the High Street. The Rose and Crown was built in 1906 and replaced an old coaching inn which had stood on the site since the 16th Century. The building was designed by local architect William Huckvale and originally owned by Lord Rothschild.

The Rose and Crown, until recently, operated as a 3 star hotel, which consisted of 27 bedrooms and a small restaurant. The business was closed in March this year. To the rear of the main hotel buildings are gardens, a former stable block (previously used for ancillary staff accommodation and storage) and a privately owned pay and display car park, which, until recently, was open to guests and to the public (51 spaces).

The northern boundary of the site comprises the High Street with St. Peters and St. Pauls

Church opposite. The eastern boundary runs alongside the flank of No. 11 High Street and the curtilage of Nos. 17, 18 and 10 Mansion Drive. To the south is open land associated with the school and forming part of the historic Tring Park.

The western boundary comprises private open land to the rear of No. 20 High Street (NatWest Bank) and, further north, the side garden of Crown Rose Court, a rear service yard and parking area and the flank of Nos. 16 and 17 High Street (Estate Agents).

The properties fronting the High Street are generally 3 storey, in line with the Rose and Crown, whilst properties in Mansion Drive are a mixture of 2–storey and 1½ storey. Crown Rose Court is 2-storey and comprises eight sheltered apartments. The hotel itself falls in height from front to rear, with part 1½ and single storey elements alongside the vehicular access road and 2 storey elements continuing along the eastern boundary.

In terms of site levels, the land rises steadily southwards from the High Street.

The site contains a number of trees, which are principally located alongside the rear car parking areas. The most significant tree is a substantial sycamore located close to the rear boundary with No. 18 Mansion Drive.

The site is served by a single vehicular access, located to the western side of the building. The access also serves a small number of retirement flats, but has no footpath provision along its length.

Proposals

In June 2008, planning permission was granted for a 20 bedroom hotel, retail, restaurant and residential scheme in the existing building, together with 2 new buildings to the rear to provide further residential accommodation. This permission was renewed in May 2012.

This application proposes a new scheme for the site. Some elements are identical (or very similar) to the approved scheme, other aspects are new. Where aspects of this current application are the same as the permitted scheme, this is identified in brackets below. The most significant change is the loss of the hotel and its conversion to residential.

As with the permitted scheme, the development comprises a number of key components, which can be broken down into three key areas:

- The existing buildings (Rose and Crown Hotel and Stable Block),
- Land to the rear, and
- Site frontage.

Existing Buildings

The application seeks to carry out the following to the existing buildings:

- Change of Use of the hotel building to residential, with restaurant unit and single retail unit at ground floor
- Removal of central modern conservatory (as per permitted scheme)
- Opening up of central gateways to courtyard to return to historic layout (as per the permitted scheme)

- Provision of residential entrances from the courtyard
- Enhancement of existing restaurant at front of hotel which would be open to the public (as per the permitted scheme)
- New roof to buildings on western side of courtyard and removal of unsightly plant (as per the permitted scheme)
- Associated alterations to the hotel building. Notable changes from the permitted scheme include:
 - the addition of 4 dormers to the west side elevation (rather than the 2 permitted)
 - insertion of 2 new windows to gable end (number reduced from 6 due to conservation officer concerns)
 - new larger dormers to rear elevation (amended to delete pitched roofs in response to conservation office comments)
- Conversion of stable block to form 4 x 1 bed residential units and 1 x 2 bed residential unit

Land to the rear (divided into Central Block and Rear New Build)

- Erection of a part single part 2½/3 storey attached block of 5 flats on the existing parking land to the rear of the hotel (central apartments, as per permitted scheme).
- Erection of a part of 2½, part 3 storey block of 12 flats on parking/garden land in the SW section of the site (rear new build, as per permitted scheme).
- The provision of 45 parking spaces (as per permitted scheme)

Site frontage

- The re-articulation of the front 'piazza' replacing existing landscaping and surfacing with new paving slabs (e.g. York stone), tree planting and granite benches creating a central public gathering place in the Town Centre (as per the permitted scheme).
- The plans originally submitted with the permitted scheme indicated the raising of the carriageway of the High Street to provide a continuation of the front 'piazza' across the High Street to the town square. However, as per the approved scheme, this element of the proposals is not progressing and instead the applicants are offering a financial contribution to sustainable transport in line with the toolkit requirements.

Usage Summary

The following table summarises the changes in terms of floorspace, unit numbers and car parking:

	Existing	Permitted	Proposed
Total Across the Site	27 bedroom hotel, ancillary restaurant and bar, ancillary staff accommodation and storage	20 bedroom hotel 266sqm restaurant 283sqm retail (4 units) 32 residential units: (9x1 bed, 22x2 bed, 1x3 bed)	No hotel 362sqm restaurant 90sqm retail (1 unit) 36 residential units: (13x1 bed, 12x2 bed 11x3 bed)

Affordable Housing	N/A	18% 6 units (of the 32) for social rent £19,200 contribution to off-site AH	35% 13 units (of the 36): 6 affordable rent 7 first buy/shared equity
Car Parking Spaces	51	45 (10 for Hotel) (4 spaces for retail) (31 for residential)	45 (all for residential)

This is broken down as follows across the site:

	Existing	Permitted	Proposed
Hotel Building	27 bedroom hotel ancillary restaurant and bar	20 bedroom hotel 266sqm restaurant 283sqm retail (4 units) 4 x 2bed residential units	No hotel 362sqm restaurant 90sqm retail (1 unit) 5 x 1bed residential units 9 x 2 bed residential units
Stable Block	Ancillary staff accommodation and storage for the hotel	3 x 1 bed residential units 1 x 3 bed residential unit	4 x 1 bed residential units 1 x 2 bed residential unit
Central Block	N/A	6 x 1 bed residential units	4 x 1 bed residential units 1 x 2 bed residential unit
Rear New Build	N/A	18 x 2 bed residential units	1 x 2 bed residential unit 11 x 3 bed residential units

Referral to Committee

The application is referred for the consideration of the Development Control Committee because of the contrary views of the Town Council.

Planning History

4/00410/11/VOT ALTERATIONS TO PROVIDE 20-BED HOTEL, RESTAURANT AND FUNCTION ROOM, 4 RETAIL UNITS, 4 RESIDENTIAL UNITS, CONVERSION OF FORMER STABLES AND CONSTRUCTION OF TWO RESIDENTIAL BLOCKS TO REAR TO PROVIDE 29 FURTHER RESIDENTIAL UNITS - VARIATION OF TIME LIMIT TO PLANNING PERMISSION 4/01662/05
Granted
08/05/2012

4/01662/05/FUL ALTERATIONS TO PROVIDE 20-BED HOTEL, RESTAURANT AND FUNCTION ROOM, 4 RETAIL UNITS, 4 RESIDENTIAL UNITS, CONVERSION OF FORMER STABLES AND CONSTRUCTION OF TWO RESIDENTIAL BLOCKS TO REAR TO PROVIDE 29 FURTHER RESIDENTIAL UNITS
Granted
04/06/2008

Request to add the Building to the List of Buildings of Special or Historical Interest

During the consideration of this application, a request was made to English Heritage and the DCMS to list the building. After a detailed assessment, it was considered by EH and DCMS that the building is not worthy of listing.

Policies

National policy guidance

NPPF
Circular 11/95

Dacorum Borough Local Plan 1991 - 2011

Policies 1, 2, 9, 10, 11, 13, 16, 17, 18, 20, 21, 34, 36, 49, 51, 57, 58, 63, 76, 91, 100, 111, 119 and 120
Tring Town Centre Strategy
Appendices 1, 3 and 5

Dacorum Pre-Submission Draft Core-Strategy (October 2011)

Policies CS1, CS4, CS8, CS12, CS13, CS14, CS16, CS17, CS18, CS19, CS27, CS29
Tring Place Strategy

Supplementary Planning Guidance / Supplementary Planning Documents

Environmental Guidelines, Section 7 Development in Conservation Areas or Affecting Listed Buildings
Planning Obligations SPD (April 2011)

Representations

Tring Town Council

- Strongly objects to the loss of hotel business amenity which is a key facility for the town of Tring and should be protected.
- Extremely concerned at the additional increase in vehicles which the residential units will create. Parking in the town is already difficult and after 6pm all roads, side roads and alleyways are full of parked vehicles.
- The increase in residential units will add to traffic problems that already exist.
- Possible problems regarding vehicle access to the site.
- Most concerned that the possible historical loss that this development will cause, there has been a hostelry on this site for hundreds of years
- Would like to see the DBC conservation officers' discuss the possibility, and make happen, listed building status for the Rose and Crown building.

DBC Conservation and Design

No objection to the proposals subject to some minor amendments, mainly regarding windows and doors and queries regarding detailed elevational features. Recommends a number of conditions regarding detailed design, materials and retention of historic features.

DBC Contaminated Land

The site is located within the vicinity of potentially contaminative former land uses. Consequently there may be land contamination issues associated with this site. I recommend that the standard contamination condition be applied to this development should permission be granted.

DBC Strategic Housing

Following discussions with both the agent acting on behalf of the applicant and planning colleagues. We can confirm that the affordable housing mix is satisfactory.

DBC Strategic Planning

The proposal is welcomed in principle in this central and prominent town centre location. It would ensure continued economic use of a key and historic (Rothschild) building in the High Street, introduce new housing (including affordable homes), and provide opportunities for new town centre uses.

The proposed uses would all be acceptable in principle in the town centre (Policies 9 and 39/CS4).

The loss of the hotel would be regrettable given its central location (potentially serving visitors to the town centre, Zoological Museum and Chilterns), and the consequent loss of a key town centre activity. However, while the Local Plan offers some safeguard for retailing (Policy 42), offices (Policy 29/CS15) and community facilities (which strictly this is not) (Policy 68/CS23), no such protection is afforded to hotel accommodation. Therefore, no objection can be raised in policy terms to the complete conversion of the hotel. The expert advice (Fleurets) on the business case for the loss of the hotel, does not appear to make a robust case, have alternative operators been approached?

The provision of alternative commercial uses (restaurant and retail) at ground floor level is welcomed. They can at least help partly offset the loss of the hotel, and they will ensure the site continues to provide new attractions for the town centre.

This is a central and sustainable location so the provision of additional housing is also welcomed in the town centre. No objection is raised to the modest increase in the number of flats. The scale of the scheme would justify the provision of affordable housing (Policy 20).

DBC Trees and Woodlands

Tree removal proposed in this application matches that of the previous approvals. Only one existing tree is deemed worthy of retention, a Sycamore notified as T11 in the submitted Arboricultural Survey 29/06/2011. This tree should be retained given its condition, presence and maturity.

Given the prominence of this tree I would recommend that car park spaces numbered 18 and 19 on the plan are removed. It is likely that root damage would occur to the Sycamore during construction of these parking spaces, affecting tree health. Spaces 17 and 20 are also close to the tree trunk but could be accommodated if the car park surface and edge design is suitably considered.

Species selection and location of new planting should be carefully considered if the installation of solar panels on to buildings is to be completed as part of the application.

Details of root protection of the sycamore and the landscaping scheme (including planting details) to be approved by condition.

DBC Environmental Health

Advises permission is conditioned subject to conditions regarding noise, vibration and odour control.

HCC Highways

Does not wish to object to the grant of planning permission.

In line with the permitted scheme, it is proposed to re-use the existing access that runs between the hotel and the building to the west and provides access to the land to the rear. Whilst the existing access includes sections of single track working, it operates safely for the traffic that it currently accommodates. It should be noted the proposal will generate slightly fewer vehicle trips than the existing or permitted uses.

It is therefore proposed to re-use the existing access with minor amendments to the junction with the High Street in order to allow two vehicles to pass each other to avoid delays to traffic using the High Street.

The previous scheme included a financial contribution towards improvements to the High Street in the form of a raised table junction incorporating the front of the site. During the application process it has become clear that the raised table is no longer part of the proposal. Instead, it is understood the applicant has agreed to make a contribution towards sustainable transport in line with the County Council's 'Planning Obligations Guidance- Toolkit for Hertfordshire'. For the mix of housing being proposed this presents a total figure of £29,500

The contribution will be used towards the design and construction of highway improvement works, traffic management schemes, traffic studies, improvements to public transport and/or measures as will encourage users of the development to travel to and from the Development by means of transport other than the private car.

Recommend conditions relating to approval of junction/access arrangements prior to occupation, details regarding construction management to be approved and vehicle cleaning.

HCC Archaeology

The proposed development site is situated in Area of Archaeological Significance No.10. This notes that Tring is a medieval village. The proposed development lies within the area of medieval settlement. The current building replaced an earlier Rose and Crown, a late medieval structure. Conditions are recommended regarding archaeological investigation, monitoring and analysis.

HCC Minerals and Waste

Should the Borough Council be mindful of permitting this application, a number of detailed matters should be given consideration to promote sustainable management of waste and minimise waste generated by development. Conditions should be applied accordingly.

HCC Property Services

Further to your email confirming the affordable housing mix, I have calculated the contributions based on the finalised mix provided and confirm that the First Buy properties would be classed as Open Market.

Contributions sought from planning application 4/02291/11/MFA

Secondary education	£23,738
Childcare	£ 1,779
Youth facilities	£ 619
Libraries	£ 4,095

HCC Herts Biological Records Centre

In respect of the bat survey, I consider that the survey methodology followed best practice and found no evidence of bats in any of the accessible roof voids. Some potential was noted in Stable Block, although this could not be inspected. Whilst the lack of evidence within the extensive roofspaces elsewhere tends to reduce the likelihood of this roof space being used. Given the extensive surveys and lack of evidence, I am satisfied that sufficient survey work has been undertaken to inform the planning process. However there remains a possible issue about part of the stable roof but it does not appear that this part of the Stable Block building will be affected in any way by the proposals. Consequently, I do not consider that any further bat surveys are necessary before determination.

However, given the extent of roof present on the buildings, the possibility of discovering bats during the course of works cannot be discounted and for this reason I will advise the LPA that an informative should be placed on any approval requesting work to cease if bats are found.

I can advise Dacorum Borough Council that the application can be determined in the knowledge that there are unlikely to be any impacts on bats.

English Heritage

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Thames Water

No objection

Comments received from local residents:

Supporting Comments

- Welcome the development in general

Objections

- Access to the site is dangerous
- Use of Crown Rose Court as a passing place
- Residents of Crown Rose Court are nervous of large trucks coming down the narrow access

- Loss of the hotel
- Hotel has been run down over the past few years to achieve maximum capital returns from a key landmark asset
- Role of town planning should be to preserve a healthy town centre mix
- Local Plan policies 90, 91 and 93 indicate a shortage of hotel and B&B accommodation in the district
- Hotel is an essential resource for Tring
- Conversion to flats detrimental to historic character of the building
- Footpath along side of access road has been dropped, detrimental and dangerous to elderly people in Crown Rose Court and to people using Orchard House.
- Restrictions on turning left out of the site are not recognised
- Priority for traffic entering the roadway needs to be imposed.
- No provision for construction - construction traffic in the access will cause problems
- Development is excessive in scale for the access
- Density of use is out of character

Considerations

Some elements of this application are very similar to the approval granted earlier this year. The key planning considerations resulting from the changes to the scheme are:

- Land Use (loss of the hotel and reduction in retail / commercial floorspace)
- Housing unit mix and affordable housing
- Conservation and Design
- Highways matters (parking, access and traffic generation).
- Planning obligations

Where relevant, changes to the policy context have been taken into consideration.

Other issues include impact on trees, residential amenity and sustainability

Policy and Principle (Land Use)

The site falls within the Town Centre of Tring, wherein the principle of residential and mixed use development is acceptable under Policies 2 and 9 of the Dacorum Borough Local Plan (Policies CS1 and CS4 of the Pre-Submission Draft Core Strategy). Policy 14 (CS17 of the PSDCS) encourages the development of housing to meet the district housing allocation. Policy 10, encourages the use of urban land to be optimised. All development proposals must be planned and implemented in a co-ordinated way, taking a comprehensive view of potential development opportunities in the immediate area wherever possible. The proposal to provide residential accommodation on the site is therefore welcome in principle.

The key land use change from the previous approval (and the existing situation) is the loss of the hotel use on the site. There is also a reduction in the amount of retail / commercial floorspace at ground level compared to the approved scheme.

The site falls within Tring Town Centre wherein a broad range of compatible uses will be permitted. The uses proposed include a catering establishment, a retail unit and residential. These uses are all appropriate in the town centre. However, the scheme does result in the loss of the hotel use and there will consequently be less mixed use on the site than the permitted scheme. Whilst the strong objections of the Town Council and other members of the public are noted, there are no adopted or emerging policies which protect hotel use and it is

therefore considered that it would be difficult to refuse the scheme on these grounds. Furthermore, the applicants have provided some (albeit not conclusive) evidence that the hotel is unviable. Although, there is a reduction in retail / commercial floorspace when compared with the permitted scheme, this scheme has not been implemented, and therefore the floorspace will not actually be lost. Public uses (retail and restaurant) will remain at ground floor level to the front of the building which is important in this town centre location.

Unit Mix and Affordable Housing

The scheme results in slightly more residential units than the permitted scheme and also in a significant number of 3 bedroom units compared with the permitted scheme. This represents a greater variety of unit mix.

Since the submission of the approved scheme, the Council has adopted Supplementary Planning Guidance on Planning Obligations. This requires 35% affordable housing provision. Detailed and lengthy discussions have been held with the agent in respect of the viability of the affordable housing element of the scheme. These negotiations have concluded in the developers agreeing to provide 35% affordable housing, but with 6 units provided as affordable rent and 7 units provided as shared equity or first buy. Shared Equity (or First Buy) is where the developer provides 20% of the property price on an (initially) interest free basis, with the buyer raising 80% to purchase the property. It is in line with NPPF requirements and meets a different but important type of housing need.

This level of provision and mix of tenures is acceptable to the strategic housing team. It should be noted that the approved scheme proposed 20% affordable housing.

Design/Impact on the Conservation Area

The site falls within the Tring Conservation Area and adjacent to Listed Buildings, although the building itself is not listed (see above). Development in conservation areas must be in accordance with Policy 120 of the Borough Plan and be carried out in a manner, which preserves or enhances the established character or appearance of the area. Each scheme will be expected to respect established building lines, layouts and patterns, use materials and adopt design details which are traditional to the area and complement its character, be of a scale and proportion which is sympathetic to the scale, form, height and overall character of the surrounding area.

The alterations to the Rose and Crown building itself are limited. The principal alterations are the removal of the modern additions within the internal courtyard and the removal of the front and rear gateways to the courtyard. These changes will not only restore the original form and layout of the Hotel, but will also open up the courtyard to the frontage with the High Street. These changes are as per the approved scheme.

There are only a limited number of changes to the main building in comparison with the permitted scheme and subject to conditions, the conservation officer is satisfied with the proposals. The notable changes are the addition of 4 dormers to the west side elevation (rather than the 2 permitted), the insertion of 2 new windows to gable end on the western elevation (this has been reduced from 6 in response to the comments of the conservation officer) and new larger dormers to rear elevation (amended to delete pitched roofs in response to conservation officer comments).

The historical form and character of buildings in the area have heavily influenced the scale, layout and design of the scheme and in terms of the position and form of the new buildings to the rear of the site, these remain as per the permitted scheme. These were subject to detailed

discussions and negotiations with officers and English Heritage during the original consideration of the approved scheme. The creation of a courtyard/mews style development is considered appropriate and reflects the tight knit nature of much development in Tring. It is considered the scale, height, layout and details of these buildings are sympathetic to the location and will preserve the character and appearance of the Conservation Area.

The proposals will also enhance pedestrian movement within and through the site and assist in creating greater vibrancy and vitality to this part of the Town Centre. The provision of the 'Piazza' to the front will also better reflect the original frontage of the building and will assist in providing an improved gathering place in the heart of Tring. The Tring Health Check and Action Plan 2004 specifically identifies the need for a meeting place and specifically refers to the Rose and Crown stating that the area outside should be "...better utilised to include outside tables and a café".

As with the approved, the use of high quality materials will be essential to the success of this scheme. The sensitive use of patterned blockwork to access, turning and parking areas, together with grassed parking spaces and soft landscaping will create an attractive residential environment.

Transport/Parking Implications

The application is supported with a Transport Planning Statement, which explains the traffic and parking implications arising from the proposed development. Overall the statement concludes that the site is well positioned in terms of availability of alternative modes of transport to the private car and that the amount of parking proposed would be appropriate in this context and in line with national and local policies.

Access to the site is restricted in width (2.7 m) along the entrance section and bounded by historic buildings. The application proposes to improve the access point onto the High Street and reduce the length of the narrow section. Clearly, it will be important that the improved access will be able to accommodate emergency, service and delivery vehicles on site.

Although concern has been expressed by a number of consultees in relation to the suitability of this access in terms of accommodating additional development it must be recognised that the existing access currently serves a pay and display car park with 51 spaces. Bearing in mind that the project scheme will accommodate 45 spaces it would be particularly difficult to substantiate grounds for refusal on the adequacy of the access. Furthermore, the proposed scheme is predicted to generate less traffic movements than both the existing situation and the approved scheme.

It should be recognised that the scheme also offers additional benefits to pedestrians by creating a new pedestrian access through the Rose and Crown to the rear of the site and as such new residents should not need to use the narrow vehicular access for pedestrian access to the site.

Parking for the site would total 45 spaces, which would be allocated for the residential use. DBC standards would require a maximum of 59 spaces, but this site is located within the town centre and it is therefore considered that 45 spaces is adequate for 36 units and the Highways Authority is satisfied that parking provision is sufficient. No specific parking is proposed for the retail or restaurant unit, but given the central location of the site and the proximity of public car parks, this is considered acceptable.

There has also been some concern regarding the capacity of the surrounding car parks from the displaced cars from the current public car park. However, the applicants have undertaken

surveys relating to surrounding car parking availability and discussions with the company managing the Council's car parks (Vinci) have confirmed that there is, in general terms, adequate capacity in the surrounding car parks.

The scheme proposed a sustainable transport contribution in line with toolkit requirements, together with access / junction improvements, the details of which are required by condition.

Residential Amenity (of neighbouring properties)

As per the permitted scheme, the properties most affected by the development are those in Mansion Drive and the modern development known as Crown Rose Court. The new block to the rear and the block at the centre of the site are in the same position as the approved scheme and therefore their impact on residential amenity is the same as per the approved scheme which was deemed acceptable.

In terms of the relationship between dwellings in Mansion Drive and the Rear Apartments a separation of approximately 36-m is maintained between the rear faces of the building. This is well in excess of the 23-m guideline set out in the DBLP. The impact of the stable apartments on Mansion Drive will also be limited and the relationship is considered acceptable.

During the consideration of the previous application, concern was expressed in relation to the separation between the flats in Crown Rose Court and the northern elevation of the rear apartments. The plans were amended to reduce the size of the rear apartment building creating a separation of 18.5 m between the side elevations.

The southern elevation of Crown Rose Court has 4 windows facing the rear apartments (two on the ground floor and two on the first floor). These are secondary windows to living rooms. It is considered the separation now achieved will prevent any significant loss of light to these windows. All windows above ground floor level will have obscured glass on the lower panes to prevent any significant overlooking between the properties. This is all as per the permitted scheme and is secured by condition.

The only new windows to the scheme that potentially alters the impact on residential amenity is the addition of two new windows in the western elevation of the rear part of the main building. These windows will look into the car park / entrance area to Rose Crown Court and are not considered to give rise to unacceptable levels of overlooking.

Residential Amenity (of proposed properties within the site)

- Amenity Space

Although there are more units, the amount of amenity space on the site is still limited, but each unit will have access to an area of space. In addition, residents will have the benefit and access to the Piazza to the front of the site and the central courtyard which under the permitted scheme would have been a more public area with access to the retail units. Although strictly falling below adopted guidelines relating to amenity space it should be recognised that these are guidelines and schemes need to be assessed in relation to the type and location of development. Flatted schemes generally have a lesser requirement for private amenity space than more traditional family housing. In addition the sites location, close to other amenities offered in the Town Centre and proximity to Tring Park are other important considerations. Taking these matters into account together with both local and national policies, which promote the optimisation of land, it is considered the levels of amenity space are adequate.

- Noise and Disturbance

Residential units are being created above the restaurant space, and alongside the kitchen space to the rear. There is also the kitchen extract which will run up from the restaurant kitchen between units on the first floor. The Council's Environmental Health Department is satisfied that noise transmission and vibration can be satisfactorily dealt with by condition. This matter is also covered by Building Regulations and inspection of the necessary certificates will be requested by condition.

- Overlooking / privacy

There is a close relationship between the central block and the rear of the hotel (15m) , but as the rear of the hotel was converted to residential under the approved scheme and this relationship has therefore already been approved, it would not be reasonable to raise objection on this point.

Trees and Landscaping

A number of trees to the rear of the Rose and Crown will need to be removed as part of the proposed development. However, the trees to be removed are of no particular merit and have limited impact in terms of the character/appearance of the Conservation Area.

The most significant tree on the site is a Sycamore, which is sited along the south-east boundary of the site, is to be retained. The tree officer has expressed concern regarding the parking spaces underneath this tree which may cause damage. However these parking spaces were part of the approved scheme. It is therefore considered that an objection can not be raised on these grounds, but conditions are recommended regarding measures that will protect the tree.

Other trees exist just outside the site along the boundaries of Mansion Drive, Tring Park and the bank; these will provide an important landscaped backdrop to the development.

Sustainability

The developer has submitted a C-Plan assessment and achieves a pass in all respects.

Section 106 Requirements

Section 106 contributions have been agreed which follow the County Council toolkit, together with the Borough Council's adopted Supplementary Planning Guidance on Planning Obligations.

Child Play Space provision	£43,840
Cycle Network	£543
Playing Pitches	£23,975
Primary Education	£27,219
Secondary Education	£23,975
Sustainable Transport	£29,500
Travel Smart Contribution	£900
Youth Contribution	£619
Library Contribution	£4,095
Natural Green Space	£685
Childcare	£1,779
Total	£156,893
Monitoring (6% of total)	£9,413.58

The affordable housing will also be secured by the legal agreement and this will include 6 affordable rent units and 7 first buy (or equivalent). The applicants have also requested that the child play space provision is spent locally. This will be covered in the detailed wording of the agreement.

Response to Objections

Comment	Response
Access to the site is dangerous	See above and as per the permitted scheme
Use of Crown Rose Court as a passing place	See above and as per the permitted scheme
Residents of Crown Rose Court are nervous of large trucks coming down the narrow access	See above re access. Conditions regarding construction management plan is recommended.
Loss of the hotel	See above, there is no policy to protect hotel uses
Hotel has been run down over the past few years to achieve maximum capital returns from a key landmark asset	See above, there is no policy to protect hotel uses
Role of town planning should be to preserve a healthy town centre mix	See above, there is no policy to protect hotel uses
Local Plan policies 90, 91 and 93 indicate a shortage of hotel and B&B accommodation in the district	See above, there is no policy to protect hotel uses
Hotel is an essential resource for Tring	See above, there is no policy to protect hotel uses
Conversion to flats detrimental to historic character of the building	The proposals will maintain the heritage asset and the alterations to it are not harmful.
Footpath along side of access road has been dropped, detrimental and dangerous to elderly people in Crown Rose Court and to people using Orchard House.	The access remains as per the permitted scheme
Restrictions on turning left out of the site are not recognised	See above. The Highways aspects of the proposals are acceptable
Priority for traffic entering the roadway needs to be imposed.	See above. The Highways aspects of the proposals are acceptable
No provision for construction - construction traffic in the access will cause problems	Conditions regarding construction management plan is recommended.
Development is excessive in scale for the access	See above. The Highways aspects of the proposals are acceptable

Density of use is out of character

The density of the scheme is appropriate in the tight knit town centre of Tring and is as per the permitted scheme.

RECOMMENDATION - That determination of the application be **DELEGATED** to the Group Manager, Development Management and Planning with a view to approval, subject to the completion of a planning obligation under s.106 of the Town and Country Planning Act 1990.

- 1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the local planning authority. These details shall include details of bonding and mortar mix (on a panel to be approved on site) and details of rainwater goods and flues (which shall be metal). Development shall be carried out in accordance with the approved details.**

Reason: In the interests of the visual amenities of the Conservation Area.

- 3 **No development shall take place until full details of both hard and soft landscape works shall have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved and to an agreed timescale. These details shall include a planting plan (including species), proposed finished levels or contours, means of enclosure, hard surfacing materials, minor artefacts and structures (e.g. street furniture, piazza details, central courtyard details, refuse or other storage units, signs, lighting etc).**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 4 **The trees shown for retention on the approved plans shall be protected during the whole period of site excavation and construction by the erection and retention of a 1.5 metre high chestnut paling fence on a scaffold framework positioned beneath the outermost part of the branch canopy of the trees. Details of the construction of the car parking spaces numbered 17,18,19,20 shall be submitted to and approved by the local planning authority and the construction of these car parking spaces shall be carried out in accordance with these approved details.**

Reason: In order to ensure that damage does not occur to the trees during building operations.

- 5 **Any tree or shrub which forms part of the approved landscaping scheme which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species,**

size and maturity to be approved by the local planning authority.

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 6 **The development hereby permitted shall not be occupied until the arrangements for vehicle parking and circulation shown on the approved plans shall have been provided, and they shall not be used thereafter otherwise than for the purposes approved. The parking spaces shall be made available free of charge to the residential units hereby permitted.**

Reason: To ensure the adequate and satisfactory provision of off-street vehicle parking facilities.

- 7 **Prior to the commencement of development a construction management plan shall be submitted to and approved by the local planning authority. This shall include full details of parking, delivery and storage areas associated with the construction of development. These areas shall be retained for these purposes throughout the construction of the development.**

Reason: In order to reduce the highway impacts of the development during the construction of the development.

- 8 **Prior to the commencement of development full details of cycle parking provision shall be submitted and approved by the local planning authority. Unless otherwise agreed these details shall include the provision of 40 secure covered spaces. These spaces shall be provided prior to the occupation of any of the new dwellings hereby approved.**

Reason: To ensure the adequate provision of cycle spaces.

- 9 **Prior to the commencement of development full details of the proposed access and junction alterations shall be submitted and approved by the local planning authority. These details shall include details of materials and construction, kerbing, signage and lighting. No part of the development shall be occupied, unless otherwise agreed, until the access has been constructed in accordance with the approved details.**

Reason: To ensure the free and safe flow of traffic on the highway and in the interests of visual amenity.

- 10 **Prior to the commencement of development full details of the pedestrian link through the site has been submitted and approved by the local planning authority. These details shall include surfacing materials and means of lighting. The residential units subject to this application shall not be occupied until the link has been completed in accordance with the approved details. The pedestrian link shall be open to use by pedestrians at all times thereafter unless otherwise agreed in writing.**

Reason: To promote and encourage the use of non-car modes of transport and to ensure a satisfactory appearance.

- 11 **A) No demolition/development shall take place/commence until a Written Scheme of Investigation has been submitted to and approved by the local**

planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure that reasonable facilities are made available to record archaeological evidence.

- 12 **The restaurant use hereby permitted shall not be commenced until there has been submitted to and approved by the local planning authority a scheme for ventilation of the premises, including the extraction and filtration of cooking fumes. The approved scheme shall be carried out prior to the commencement of the use hereby permitted. Prior to the commencement of development the existing filtration/extract systems adjacent to the site access shall be removed.**

Reason: In the interests of the amenity of adjoining residents.

- 13 **Prior to the commencement of development full details of site security measures including fencing, lighting, entry systems etc. shall be submitted and approved by the local planning authority.**

Reason: To ensure a secure residential environment.

- 14 **The windows hatched green on the approved plans shall be permanently fitted with obscure glazing. For the avoidance of doubt, this is the lower half of the windows at first and second floor on the north elevation of the rear building.**

Reason: In the interests of residential amenity.

- 15 **Prior to the commencement of development full details of all new/altered**

fenestration and doors to the existing buildings shall be submitted to and approved by the local planning authority. This shall include any repair specifications, iron mongery and method of opening. All windows and door shall be of timber construction and of traditional function. Details shall also be submitted of the timber gates to the front elevation. The development shall be constructed in accordance with the approved details.

Reason: In the interests of visual amenity and in order to preserve the character and appearance of the area.

- 16 **Before the use commences a noise assessment should be carried out in accordance with BS4142 to establish whether the extraction system that are to be installed or operated in connection with carrying out this permission are likely to give rise to complaints at any adjoining or nearby noise sensitive premises. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise from the extraction system does not, at any time, increase the ambient equivalent continuous noise level.**

Reason: To protect the amenities of residential units within the development.

- 17 **Before the extraction system is used at the premises it shall be enclosed with sound insulating materials and installed/mounted using appropriate anti vibration mountings in a way that minimises the transmission of structure borne sound and vibration in accordance with a scheme to be approved in writing by the Local Planning Authority**

Reason: To prevent detriment to the amenity from the transmission of structure borne vibration.

- 18 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order) (with or without modification), no development falling within the following Classes of the Order shall be carried out without the prior written approval of the local planning authority:**

Schedule 2 Part 1 Classes A, B, D, E and F (this shall apply to the houses in the stables building only)

Part 2 Classes A and C (this shall apply to the whole development)

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the residential and visual amenity of the locality.

- 19 **Prior to the commencement of development a 1:20 drawing of typical dormers, balconies, headers and cill details for all new buildings shall be submitted and approved by the local planning authority.**

Reason: For the avoidance of doubt and in order to preserve the character and appearance of the conservation area.

- 20 **Prior to the commencement of development hereby permitted a report shall be carried out to ascertain whether the development hereby permitted will require the provision of additional fire hydrants. This report shall be submitted to the**

local planning authority for its approval in writing. If the report establishes the need for additional fire hydrants these shall be provided in accordance with the relevant specifications of the County Council before any part of the new residential development is first brought into use.

Reason: For the avoidance of doubt and to ensure satisfactory provision of infrastructure.

- 21 **Roof trusses to the original dining hall are to remain unaltered unless otherwise agreed. In addition there shall be no alterations to the fireplaces without the prior written approval of the local planning authority.**

Reason: For the avoidance of doubt and to ensure a high quality scheme which protects the intrinsic character and quality of this historic building.

- 22 **Prior to the commencement of development full details of sustainable drainage and energy sources shall be submitted and approved by the local planning authority. The development shall be constructed in accordance with the approved details.**

Reason: To ensure the construction of sustainable development.

- 23 **The existing door plates to the existing front doors shall be salvaged and re-used within the scheme in accordance with details to be submitted to and approved by the local planning authority.**

Reason: To ensure historic features of interest are retained.

- 24 **Unless otherwise agreed in writing by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until Conditions (a) to (d) below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning Authority in writing until Condition (d) has been complied with in relation to that contamination.**

(a) Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;**
- (ii) an assessment of the potential risks to:**
 - human health,**
 - property (existing or proposed) including buildings, crops,**

- livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's *'Model Procedures for the Management of Land Contamination, CLR 11'*.

(b) Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

(c) Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

(d) Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Condition (a) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Condition (b), which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with Condition (c).

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy 11 of the adopted Dacorum Borough Local Plan 1991 - 2011.

INFORMATIVE:

The applicant is advised that a guidance document relating to land contamination is available in the Council's website:

<http://www.dacorum.gov.uk/default.aspx?page=2247>

- 25 **Before development hereby permitted is commenced, details of a Site Waste Management Plan (SWMP) for the development shall be submitted to and approved in writing by the local planning authority of the measures to be taken in the design, construction, operation and decommissioning of the development to: minimise the amount of waste generated; to re-use or recycle suitable waste materials generated; to minimise the pollution potential of unavoidable waste, to treat and dispose of the remaining waste in an environmentally acceptable manner; and to utilise secondary aggregates and construction and other materials with a recycled content. The measures shall be implemented in accordance with the approved details.**

Reason: To accord with the waste planning policies of the area.

- 26 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

0001, 0100, 0101, 0102, 0103, 0104, 0105, P006, P007, 1000B, 1001, 1002D, 1003D, 1004B, 1005A, 1006A, 1007, 1008, 1103, 1104, 3000E, 3001D, 3002B, 3003B, 3004A, 3005A, 3006B, S11-234-300, S11-234-301, S11-234-500

Reason: For the avoidance of doubt and in the interests of proper planning.

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The site falls within the Town Centre of Tring, wherein the principle of residential and mixed use development is acceptable under Policies 2 and 9 of the Dacorum Borough Local Plan (Policies CS1 and CS4 Dacorum Pre-Submission Draft Core-Strategy). Policy 14 (CS17) encourages the development of housing to meet the district housing allocation. Policy 11 (CS12) seeks a high quality of design in all development proposals. The proposed development although relatively high density will be sympathetic to surrounding development and would not adversely affect the appearance of the street scene or the character of the area. The proposal will not significantly impact on the amenities of immediate neighbours.

The access to the site is not ideal, however, bearing in mind the existing usage and approved scheme it is considered the proposal will not be significantly prejudicial to highway safety. The highway authority is satisfied the provision of parking is adequate for this location.

The site also falls within the Tring Conservation Area, where in accordance with Policy 120 of the Borough Plan (CS27 of the Dacorum Pre-Submission Draft Core-Strategy) development must be carried out in a manner which preserves or enhances the established character or appearance of the area. The proposed development would have no adverse impact on the character of the conservation area and will improve the appearance of the Rose and Crown and provided a focal front Piazza.

The proposal will provide much needed affordable housing and contribute towards infrastructure.

NOTE 2:

The following policies of the development plan are relevant to this decision:

Dacorum Borough Local Plan 1991 - 2011

Policies 1, 2, 9, 10, 11, 13, 16, 17, 18, 20, 21, 34, 36, 49, 51, 57, 58, 63, 76, 91, 100, 111, 119 and 120

Tring Town Centre Strategy

Appendices 1, 3 and 5

Dacorum Pre-Submission Draft Core-Strategy (October 2011)

Policies CS1, CS4, CS8, CS12, CS13, CS14, CS16, CS17, CS18, CS19, CS27, CS29

Tring Place Strategy

Supplementary Planning Guidance / Supplementary Planning Documents

Environmental Guidelines, Section 7 Development in Conservation Areas or Affecting Listed Buildings.

Planning Obligations SPD (April 2011)

5.4 4/00926/12/FHA - PART SINGLE PART TWO STOREY FRONT AND REAR EXTENSIONS, REAR TERRACES WITH EXTERNAL STAIRWAY AND CREATION OF BASEMENT. 24 MILLFIELD, BERKHAMSTED, HP4 2PB APPLICANT: MR CARMICHEL

[Case Officer - Robert Freeman]

[Grid Ref - TL 00013 07886]

Summary

The application is recommended for approval.

The site is located in an area where domestic extensions are acceptable in principle in accordance with Policy 2 of the Borough Plan. There would be no adverse effects on the appearance of the building or the appearance of the street scene. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. There would be no detrimental impact upon trees of significance within the grounds of the property. The proposals would be in accordance with Policies 11, 58 and 99 and Appendix 7 of the Dacorum Borough Local Plan 1991-2011 and Policies CS4 and CS12 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

Site Description

24 Millfield is a substantial detached dwelling located in a cul-de-sac on the north eastern edge of Berkhamsted and accessed off Gravel Path. The rear garden to the property contains a significant slope away from the dwelling and is bounded by a number of trees and hedgerows.

Proposal

The proposals seek to provide a two storey front extension and new porch, single and two storey rear extensions, external stairs and basement.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Berkhamsted Town Council.

Planning History

The application was subject to pre-application advice under planning reference number 4/00379/12/PRE. Concerns were expressed at this stage with regards to the potential over bearing impact of the proposals upon the neighbouring dwelling at 26 Millfield and overlooking from the first floor terrace of 22 Millfield.

Policies

National Policy Guidance

National Planning Policy Framework

Dacorum Borough Local Plan

Policies 1, 2, 9, 11,13, 51, 54, 58 and 99
Appendices 1, 5 and 7

Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

Policies CS4 and CS12

Supplementary Planning Guidance and Documents

Accessibility Zones for the Application of Parking Standards
Advice Note on Achieving Sustainable Development through Sustainability Statements
Area Based Policies for Residential Character Area BCA 7:Gravel Path

Representations

Berkhamsted Town Council

Berkhamsted Town Council would object to this application on the grounds that:

- the plans are inaccurate and do not reflect the proximity of the property to the boundary with No.26,
- the design, mass and bulk of the extension are intrusive and detrimental to the amenities of No.26 contrary to Policy 11 of the Dacorum Borough Local Plan 1991-2011,

Should you be minded to approve the application we would request that a condition is applied recognising that the site does not benefit from access via allotments at Sunnyside.

Trees and Woodlands

Any comments received will be reported to the Committee.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

25 Millfield

- the property was previously extended several years ago and given the close proximity of the extension to our property the garage wall and roof was amended to limit any visual intrusion. The proposed works would overshadow our property,
- the proposals will result in a loss of light to two bedroom windows and a dining room window, and
- the proposed bathroom window would overlook our property

26 Millfield

- The submitted location plan (1:1250) is misleading as it does not reflect the close proximity of the dwelling to our boundary. This property is within 350mm,
- the proposals will significantly increase the length and mass of the flank elevation to our property and appear over bearing,
- the proposals will overshadow the neighbouring property,
- the proposed extension would result in overlooking from both the first floor balcony and ground floor roof terrace.

Considerations

Policy and Principle

The site is located within the residential area of Berkhamsted wherein the principle of extending this existing dwelling would be accepted in accordance with Policies 2 and 9 of the

Dacorum Borough Local Plan 1991-2011 and Policy CS4 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

Design and Visual Amenity

The design strategy of the applicant's seeks to provide a more unified appearance to the front elevation and provide a wider, more usable and thermally efficient entrance to the property by both extending the porch and garage and treating the external surface and windows with a single unifying render and timber windows and doors with a common appearance and detailing. The property would utilise a change in levels between an existing terrace at the rear of the property and the garden to provide a basement and then utilise the roof of a single storey rear extension to provide a roof level terrace and modest two storey rear extension would be constructed adjacent to the boundary with 26 Millfield. All of these rear extensions would be contemporary additions to the property, rendered and heavily glazed to maximise views to the rear of the property and its gardens and solar gain.

The proposed extensions are modest in scale and the design, bulk, mass and height of the proposals are considered to be appropriate on this site. These works should result in a significant improvements in the appearance of the property in accordance with Policy 11 and Appendix 7 of the Dacorum Borough Local Plan 1991-2011 and CS12 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

The proposed front extensions would extend the existing garage and first floor accommodation in line with the existing front wing to the property and the front facade to 26 Millfield. A modest front porch would be formed central to the property projecting a further 1m towards the road. These extensions would still be located a significant distance from the highway and at a lower level and are not considered to dominate or be detrimental to the overall appearance of the street in accordance with Policy 11 and Appendix 7 of the Dacorum Borough Local Plan 1991-2011 and Policy CS12 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012'). A number of properties within Millfield have extended close to the boundary of the site without undue harm to the character and appearance of this street and it is considered that the close proximity of these extensions to No.26 would not be sufficient to justify the refusal of this application on this basis.

Impact on Neighbours

The property is located between Nos.22 and 26 Millfield and the main implications of development are upon the amenities of these two properties. It is noted that the occupants of No.22 have not responded to our consultation letters and assumed that they have no objection to these proposals.

A major concern for these neighbouring dwellings would be that the proposals may overlook the gardens associated with this units or into the neighbouring property to the detriment of their privacy. The applicants intend to utilise the roof space of the extensions as a series of terraced areas looking over their rear garden. A roof terrace will be created with direct access from the first floor bedrooms however views to the west of the property are restricted by a large hedgerow. The views to the east of the dwelling and towards the conservatory of No.26 would be curtailed by the projecting rear wing to the unit such that it would not allow any significant or additional overlooking of this property. As such a terrace at this level should have no significant impact upon the residential amenities of the neighbours.

The neighbour at No.26 has also raised concerns that they would be overlooked from the terrace at ground floor level. The depth of this new terrace projects approximately 0.5m beyond the existing terrace level and would be some 0.3m higher (133.9 AOD). This terrace

would still be lower than the boundary treatment and the substantial vegetation within the garden to No.26 such that it would not harm the privacy of his property.

The proposed development would not result in significant overshadowing of the neighbouring property at 26 Millfield given the orientation nor would there be any significant loss in either daylight or sunlight to the neighbours. The extensions would not breach a 45 degree angle to the windows to the nearest habitable rooms in either the front or rear elevations.

Although concerns were initially expressed at the pre-application stage that the proposals had the potential to be quite over bearing to the neighbouring dwelling at 26 Millfield in view of the depth to the rear projection and close proximity to the site boundary it is clear that given the juxtaposition, relative levels and soft boundary treatment that such concerns were unwarranted. Although the proposed extension to the front of the property projects in front of windows serving a kitchen at ground level and a first floor bedroom window given the secondary nature of these openings to those within the front and rear elevations the works are not considered oppressive in their nature.

The proposed works are not considered to cause significant harm to the amenities of the neighbouring dwellings and would therefore be in accordance with Policy 11 and Appendix 7 of the Dacorum Borough Local Plan 1991-2011 and Policy CS12 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

Impact on Trees and Landscaping

The applicant's have not indicated any intention to remove any of the landscaping to the site in order to carry out the proposed development within their submission. The majority of the significant trees on the site appear to be located towards the south of the site. At the time of reporting no comments had been received from the Tree Officer and in the absence of any objections from the Trees and Woodlands section it would be concluded that there would be no significant harm to any trees of significance upon the site in accordance with Policies 11 and 99 of the Dacorum Borough Local Plan 1991-2011 and Policy CS12 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

Other Considerations

The Town Council has also suggested that conditions be applied to any planning approval highlighting that access for construction is not available from allotments at Sunnyside adjacent to the site. There is no sound planning reason for the application of this condition nor is it considered appropriate to intervene in such matters.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be constructed in accordance with the materials specified on the approved drawings or such other materials as**

may be agreed in writing by the local planning authority.

Reason: To ensure a satisfactory appearance to the development in accordance with Policy 11 and Appendix 7 of the Dacorum Borough Local Plan 1991-2011 and Policies CS12 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

- 3 **No materials, plant, soil or spoil shall be stored underneath the canopy of any tree on the site which is shown for retention on the approved Drawing No. 06 Revision D.**

Reason: In order to ensure that damage does not occur to the trees during building operations in accordance with Policy 99 of the Dacorum Borough Local Plan 1991-2011 and Policy CS12 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

- 4 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

**01 Revision A (Existing Floor Plan)
02 Revision A (Existing Elevations)
03 Revision C (Existing Site Plan)
04 Revision H (Proposed Floor Plan)
05 Revision H (Proposed Elevations)
06 Revision D (Proposed Site Plan)
08 Revision A (Location Plan)**

Reason: For the avoidance of doubt and in the interests of proper planning.

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

The site is located in an area where domestic extensions are acceptable in principle in accordance with Policy 2 of the Borough Plan. There would be no adverse effects on the appearance of the building or the appearance of the street scene. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. There would be no detrimental impact upon trees of significance within the grounds of the property. The proposals would be in accordance with Policies 11, 58 and 99 and Appendix 7 of the Dacorum Borough Local Plan 1991-2011 and Policies CS4 and CS12 of Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

NOTE 2:

The following policies of the development plan are relevant to this decision:

Dacorum Borough Local Plan
Policies 1, 2, 9, 11, 13, 51, 54, 58 and 99
Appendices 1, 5 and 7

Dacorum's Pre-Submission Core Strategy (incorporating the 'List of Proposed Amendments: June 2012')

Policies CS4 and CS12

Supplementary Planning Guidance and Documents

Accessibility Zones for the Application of Parking Standards

Advice Note on Achieving Sustainable Development through Sustainability Statements

Area Based Policies for Residential Character Area BCA 7:Gravel Path

**5.5 4/00199/12/FHA - DEMOLITION OF REAR STORE. PART TWO STOREY PART SINGLE STOREY REAR EXTENSION
4 BOUNDARY COTTAGES, CHIPPERFIELD ROAD, BOVINGDON, HEMEL HEMPSTEAD, HP3 0JT
APPLICANT: MR C SMITH**

[Case Officer - Nigel Gibbs]

[Grid Ref - TL 02964 02954]

Summary

The application in its modified form is recommended for approval. The proposal involves in excess of a 30% increase in floorspace of the original dwellinghouse. There is therefore conflict with DBLP Policy 22 and the proposal represents inappropriate development in the Green Belt. However there are a range of special circumstances which outweigh this harm, including how the LPA has previously and very recently approached the enlargement of other dwellinghouses in the immediate area and there is some inbuilt flexibility in applying the 30% maximum in such less isolated locations. Fundamentally there will be no resultant impact upon the Green Belt's openness.

The design is compatible with no.4, the adjoining dwellinghouses and the wider area. There are no overriding issues regarding the impact upon the residential amenity of no's 3 and 5 Boundary Cottages.

BACKGROUND

Description

Boundary Cottages form an elongated row of two storey dwellings located in the Green Belt on the north eastern side of Chipperfield Road, to the south of the Flaunden Lane.

This group of 18 similar dwellings are set back from Chipperfield Road featuring narrow elongated rear gardens. No. 4 is a semi detached two bedroom 1930's hipped roofed two storey dwellinghouse. No.3 forms the adjoining identical semi detached unit. Until very recently no's 3 and 4 featured a conjoined longstanding detached rear outbuilding. The outbuilding at no.4 has been recently demolished. This was positioned about 1.8m from the rear elevation of no.4. There is a boundary fence between the rear gardens of no's 4 and 5.

Nos. 5 and 6 are the semi detached pair of dwellinghouses to the north west of no. 4. Nos. 3 and 5 are Council owned properties.

Proposal

This is for cream painted rendered two storey and single storey rear extensions on the site of the demolished outbuilding.

Single Storey Rear Extension .This 5.25m deep flat single storey extension is to be aligned along the common boundary with no.3 abutting the flank wall of the retained outbuilding at no. 3. The extension will span the entire 5.1m width of the house and be inset about 0.85m from the common boundary with no.5. The extension will provide a kitchen.

First Floor Rear Extension. This 2.5m deep hipped two storey component will be over part of the single storey flat roofed extension and be inset 1.3m from the common boundary with no.3. It will measure 3.8m in width and be also inset 0.85m m from the common boundary with no.5. The ridge level will be approximately 1.5m below the existing house. The extension will provide a larger third bedroom.

Important Note: The Original Scheme involved a 3m two storey rear extension.

Agent's Supporting Correspondence

This confirms:

- A large number of the Boundary Cottages properties have been extended in recent years, some by up to 60% increase in floor area with particular reference to no 8 Boundary Cottages.
- The first floor element of the proposal is set in from the boundary with no 3 Boundary Cottages and has a hipped roof to minimise any impact on no 3. The depth has been reduced from 3.0 metres to 2.5 metres whereas the depth of the first floor extension at number 8 is 4 metres. It is not considered possible to reduce the depth of the first floor of the extension any further as the space created will not be of sufficient size to practically use as a bedroom.
- The ground floor element of the proposal extends to line up with the rear of the existing outbuilding thereby enclosing the gap between the house and outbuilding along the line of the boundary with no 3. This gap is 1.84 metres and would be allowed under the permitted development rules. As the extension is set in from the boundary with no 5 it is not considered to have a detrimental affect on no 5.
- The rear of the properties face north east and no 4 is to the north west of no 3 and therefore the extension will not be in the line of any direct sunlight. The walls are to be painted cream in colour to match the existing walls and this will reflect sunlight back towards no 3.
- It is understood that there have been no objections from the immediate neighbours at no's 3 and 5 Boundary Cottages or from the Council's Housing Department which are the freeholders.
- Taking the above into consideration it would therefore be unreasonable not to approve the proposed extension to the subject property.

Referral to Committee

The application has been referred to Development Control Committee due to the contrary views of Bovingdon Parish Council.

POLICIES

National policy guidance

National Planning Policy Framework

Circular 11/95

East of England Plan

Dacorum Borough Local Plan 1991-2011

Policies 1, 4, 22, 11, 13 and 96
Appendices 1, 5 and 7

Supplementary Planning Guidance

Environmental Guidelines
Dacorum Landscape Character Assessment

Dacorum Pre-Submission Core Strategy (incorporating the List of Proposed Amendments June 2012)

Policies CS5, CS12, CS 13 and C24

REPRESENTATIONS

Bovingdon Parish Council

Original Scheme

Object. Concern about the site of the proposed extension and the impact on neighbouring properties. Also that the property is in the Green Belt.

Current (Revised) Scheme

Object. This extension will cause the property to be more than the 30% permitted.

Housing

Original Scheme

There are no first floor side elevation windows which would overlook the habitable windows of no's 3 and 5.

A Party Wall Surveyor has been appointed as in the past there have been situations where works have started at a neighbouring property without our knowledge.

Current (Revised) Scheme

Comments awaited.

Responses to Neighbour Notification/ Site Notice/ Press Notice

None.

Considerations

Policy & Principle

The key development policies in this case are DBLP Policies 4 (Green Belt) and 22 (Extensions to Dwellings in the Green Belt) and Core Strategy Policy CS5 (Green Belt).

The NPFf clarifies that small scale house extensions should be considered as appropriate forms of development within a designated Green Belt area such as the application site. The

NPFF confirms that the LPA should determine whether a proposal is small scale having regard to the scale of the original property upon the site, local circumstances and the purposes for including land within the Green Belt.

Dacorum's local policies accord with the NPFF.

Assessment under DBLP Policy 22 Criteria

- Criteria a to d

This is also with due regard to DBLP Policy 11 (Quality of Development), DBLP Appendix 7 (Small Scale Extensions), CS5 and CS12 (Quality of Site Design).

The extensions are visually compatible with the existing dwellinghouse, no's 3 and 5 and the wider area. Although the single storey rear extension is of substantial length, being well in excess of the 3m specified by the DBLP Environmental Guidelines, it does not project beyond the length to the original, now demolished outbuilding. Given this, what can be built as permitted development at no's 3, 4 and 5 (under Class A and E) and with due regard to the impact upon the residential amenity of no's 3 and 5 (see below), on balance the single storey extension can be supported.

The first floor extension is compact and subordinate to the main dwellinghouse with a complementary hipped roof, respecting the existing/ physical relationship between no's 3, 4 and 5. This is also in the context of how other dwellings have been extended at Boundary Cottages and the resultant impact upon the wider countryside.

The proposals will not prejudice the retention of any significant trees or hedgerows.

- Criteria e

The proposal would result in approximately 47% increase in the size of the original dwelling. This takes into account the demolished outbuilding. Therefore the development is inappropriate development which by definition is harmful to the Green Belt. The question is whether there are special circumstances which outweigh this harm.

Special Circumstances

These include the following:

a).Location and Relevant Planning History

Although exceeding the limits under Policy 22 Boundary Cottages are not an isolated part of the Green Belt area and have been subject to substantial incremental change without compromising the openness of the Green Belt.

In this respect due weight should be given the LPA's support for a substantial number of extended nearby dwellings. Permissions include the following:

-1 Boundary Cottages- two storey side extension – granted (Planning ref.4/00324/12/FHA- Approximately 146% increase. The report noted:

'The proposed works would result in a 146% increase in the size of the original dwelling, which would exceed the limits set out in e(i). However the site is not considered to be isolated and this scale of extension would be comparable to a number of other properties in the row of eighteen units at Boundary Cottages including those to numbers 2, 9, 10 and 14. I am also mindful that a similar floor area could be constructed under Permitted Development. For these

reasons the proposals are considered to be small scale and would not constitute inappropriate development as a result'.

-2 Boundary Cottages - two storey rear extension - granted 14/12/1990 (Planning ref: 01509/90) - Approximately 146% increase.

-8 Boundary Cottages - two storey rear extension - granted 11/7/2011 (Planning ref: 4/707/11/FHA) - Approximately 150% increase.

-9 Boundary Cottages - two storey rear extension - granted 14/12/1990 (Planning ref: 01317/94) - Approximately 160% increase.

-10 Boundary Cottages - two storey rear extension - granted 10/11/94 (Planning ref: 01317/94) Joint application with no.9 above- Approximately 160% increase

-14 Boundary Cottages - two storey rear extension - granted 01/12/1994) (Planning ref: 00268/98) - Approximately 143% increase.

b). Permitted Development Rights

A substantial amount of development can be constructed at the site under the combination of Classes A (ie a single storey rear extension of 3m) and E (a freest standing outbuilding/ shed/ garage) as permitted development. The latter could cover a substantial area.

c).Additional Accommodation

The proposal will provide a 3rd bedroom with some additional ground floor accommodation to meet modern requirements. The resultant enlarged building will remain a small family dwelling.

On balance the above constitute special circumstances to justify extensions over a 30% increase under DBLP Policy 22.This overview does not undermine the expectations of this policy represents a pragmatic rather than a dogmatic slavish adherence to the 30% in a non isolated location

Impact upon Neighbours

With regard to no. 3 the single storey extension will be very close to its rear ground floor window. Under permitted development a single storey rear extension can be constructed between the rear elevation of no. 4 and the original outbuilding. The effect of the proposed single storey rear extension upon no.3 will be the same as what can be constructed as permitted development. The resultant relationship will be similar to that between no's 5 and 6.

On this basis there would not be a case to justify harm to no. 3. This is in terms of the receipt of daylight, sunlight and physical impact. It also has to be taken into account that it is quite feasible that in the future a single storey rear extension can also be constructed at no. 3 as permitted development which would nullify any effect.

The first floor extension has been inset from the common boundary with no. 3 and designed with a hipped roof to specifically lessen the impact upon no. 3. The originally proposed 3m projection would have significantly breached the 'standard 45 degree test'. The current 2.5m deep proposal will reduce this breach, albeit still conflict with this. The cream finish will dilute the effect due to the reflected light. This finish will be less physically intrusive than the impact of harsher brickwork. On balance there would not be undue harm. Also the agent has confirmed that a smaller first floor will be of insufficient size to provide a bedroom.

The extension's inset position from the common boundary will lessen the physical effect and there will be no loss of privacy.

In applying the same principles in relation to no.5 there would be an acceptable relationship between the proposed extensions and no.5. This is in terms of the physical impact and the receipt of light. There has been due regard to the position of the main rear windows of no.5

which are positioned furthest away from the proposed extensions. There will be no loss of privacy.

The proposal will not adversely impact upon other neighbours.

Parking/Access/Highway Safety

The LPA's recent support for a new access under Planning Permission 4/0487/12 enables the provision of off street parking for the dwelling.

Access for Persons with Disabilities

The dwelling could be further adapted to improve such opportunities.

Crime/Prevention/Security

There are no apparent objections.

Conclusion

The proposal represents inappropriate development in the Green Belt. There are material considerations which outweigh the harm to the Green Belt in terms of inappropriateness and any other harm.

This overview does not undermine the expectations of the DBLP Policy 22 but represents a pragmatic approach to new development in excess of 30 % in a non isolated location within the Green Belt.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 The walls of the extension hereby permitted shall match in colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development.

- 3 The roof tiles of the first floor rear extension hereby permitted shall match in size, colour and texture those used on the existing building.**

Reason: To ensure a satisfactory appearance to the development.

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending or re-enacting that Order with or without modification) no development falling within the following classes of the Order shall be carried out without the prior written**

approval of the local planning authority:

Schedule 2 Part 1 Classes A and E.

Reason: To enable the local planning authority to retain control over the development in the interests of safeguarding the Green Belt.

- 5 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

**Site Location Plan 1
Drawing No's 1863-1 and 1863-2 Rev A.**

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

NOTE 1:

This decision to grant planning permission has been taken for the following reason, having regard to the policies and proposals in the development plan set out below, national planning policy/guidance, regional planning guidance, to all other material planning considerations, including relevant supplementary planning guidance, the imposition of conditions and the response to neighbour notification.

The application in its modified form is recommended for approval. The proposal involves in excess of a 30% increase in floorspace of the original dwellinghouse. There is therefore conflict with DBLP Policy 22 and the proposal represents in inappropriate development in the Green Belt. However there are a range of special circumstances which outweigh this harm, including how the LPA has previously and very recently approached the enlargement of other dwellinghouses in the immediate area and there is some inbuilt flexibility in applying the 30% maximum in such less isolated locations. Fundamentally there will be no resultant impact upon the Green Belt's openness.

The design is compatible with no.4, the adjoining dwellinghouses and the wider area. There are no overriding issues regarding the impact upon the residential amenity of no's 3 and 5 Boundary Cottages. There are no parking, access or crime prevention objections.

NOTE 2:

The following policies of the development plan are relevant to this decision:

East of England Regional Plan

Dacorum Borough Local Plan 1991-2011

Policies 1, 4, 22, 11, 13, and 96
Appendices 1, 5 and 7

Supplementary Planning Guidance

Environmental Guidelines
Dacorum Landscape Character Assessment

Dacorum Pre-Submission Core Strategy (incorporating the List of Proposed Amendments June 2012)

Policies CS5, C CS12, CS 13 and C24

**5.6 4/00894/12/FHA - REPLACE HEDGING WITH BRICK WALL AND AUTOMATIC GATES
WAYSIDE COTTAGE, WAYSIDE, CHIPPERFIELD, KINGS LANGLEY, WD4 9JJ
APPLICANT: MR & MRS PURKIS**

[Case Officer - Philip Stanley]

[Grid Ref - TL 04913 02279]

Summary

The application is recommended for approval.

The wall as built is of very high quality and matches the bricks used on the existing property. The wall only covers a very small section of the site, while amended plans have confirmed that a hedge 1.6 metres high would be planted in front of the wall. For these reasons it is considered that the wall would cause no harm to the visual amenity of the area and complies with Local Plan policies 11 and CS12

Site Description

The application site comprises a very large detached house set in substantial grounds on the corner of Megg Lane and Wayside. Megg Lane is an unadopted track, rural in nature and largely bordered by hedgerows and trees. The site is located outside the designated village boundary of Chipperfield and is within the Metropolitan Green Belt.

This site is effectively screened along its site boundaries by vegetation, except for the location of the new wall by the site entrance. The dwelling is linked to a detached double garage with a brick wall with arched access to the rear garden. A large wooden outbuilding is located alongside the boundary with Megg Lane.

Proposal

This application is seeking part retrospective consent for a brick wall and automatic gates that form a section of the site's Megg Lane boundary and the entrance into the site.

The hedging along the area in question has already been removed and has been replaced by a buff brick wall 1.8 metres high, set between in total five buff brick pillars 2 metres high. The proposed electronic gate is not yet in place and this would be of a solid timber construction measuring 1.6 to 1.8 metres high. The first pillar has been located to the left-hand side of the proposed gate, while the other four pillars are to the right-hand side of the gate, where the wall has a total width of 11.8 metres.

Referral to Committee

The application is referred to the Development Control Committee due to the contrary views of Chipperfield Parish Council.

Planning History

4/02961/04/FHA: Two storey extension - Granted 18/02/05.

4/01655/11/FHA: Front porch and detached garden room - Granted 21/10/11.

Policies

National Policy Guidance

NPPF
Circular 11/95

Dacorum Borough Local Plan

Policies 4, 11, 13, 22, 58 and 99
Appendix 5

Dacorum Borough Core Strategy (Pre-submission October 2011)

Policies CS5, CS12

Representations

Chipperfield Parish Council

We object to this application.

This application for replacement hedging with brick wall and automatic gates has already partially taken place with the removal of the existing hedging and replacing same with a brick wall. We feel this application has some negative features which we would not support.

1. It appears to be retrospective as far as the wall is concerned, the gates have yet to be installed.
2. The application form appears to be incorrectly completed. Item 6 does not give details of the pre-application advice received. Item 7 says that no hedges will be removed, which they clearly have, yet item 3 states that the work is to replace hedging?
3. The high brick wall goes directly against the advice of the Village Design Statement regarding boundaries.

Hertfordshire Highways

Hertfordshire County Council as Highway Authority does not wish to restrict the grant of permission.

HCC road hierarchy states that Wayside does not form part of the adopted public highway

Therefore, as Wayside is a private road, Hertfordshire County Council as highway authority has no jurisdiction over this section of road and considers that the proposal will not have an unreasonable impact on the safety and operation of the adjoining highways.

However, the proposed gates ideally should be sufficiently set back from the edge of the carriageway as not to impede other users whilst the gates are opened and the LPA should consider this when determining this application.

Response to Neighbour Notification / Site Notice / Newspaper Advertisement

Cherry View, Megg Lane - Objects:

- The proposal is not in keeping with the look and feel of Megg Lane which is a rural unadopted lane.
- The village design statement for Chipperfield highlights this type of construction is not acceptable within the Green Belt.
- It should be reduced to 1 metre in height as it fronts a public highway.
- The current height of the wall makes it impossible for residents of Wayside Cottage to safely leave their driveway, as they cannot see traffic in Megg Lane.
- The wall has been built without planning permission.

Considerations

Policy and Principle

Within the Green Belt there is a presumption against inappropriate development in accordance with policy 4 of the DBLP. While a replacement boundary treatment does not necessarily fall within the acceptable category of 'limited extensions to existing house' other operations are acceptable where they maintain openness and do not conflict with the purposes of including land in the Green Belt.

Furthermore any scheme is expected to meet the high standards expected of Policy 11 of the DBLP. Development will not be permitted unless it is sympathetic to the original house, respects the general character of the area in which it is set, and avoids harm to surrounding and adjoining residential properties.

Impact on Green Belt

As the proposal seeks to replace one form of boundary treatment with another there would be no impact upon the openness of the Green Belt. Furthermore, now that a holly hedge is to be planted in front of the wall, it is equally considered that the visual amenity of the Green Belt would be equally unaffected. Therefore, the scheme complies with the aims of Policy 4 of the DBLP.

Effects on appearance of building

As the wall has been built of matching brick, while the holly hedging would continue the line of existing hedging, it is considered that the proposals would assimilate very nicely with the existing house.

Impact on Street Scene

It is not considered that the proposed scheme would have an adverse impact on the character of Megg Lane or the surrounding area. While it is appreciated that the brick wall provides a contrast to the treed nature of the road, it has modest in its proportions and has been built to a very high quality. Furthermore the applicant is now proposing to plant a holly hedgerow in front of the wall and this would provide a significant degree of softening to the development.

It is also now felt that the proposals comply with the Chipperfield Design Statement, which calls for frontages to be enclosed by native species hedging. Indeed the Chipperfield Design Statement continues by saying, "Where space does not permit native hedging, enclosure should be by brick or brick/flint walls or possibly picket fences". Therefore the use of brick

walls to site frontages is acceptable in principle within Chipperfield according to this document.

Overall it is considered that the wall as built, together with the timber gates and holly hedging, would not dominate the street scene or look out of place.

Impact on Trees and Landscaping

It is appreciated that a section of hedgerow has been uprooted to make way for the new wall and gates. However, it must be noted that the site has a boundary with Megg Lane, measuring 90 metres and less than one fifth of this boundary has been affected by the proposals. Furthermore the applicant is now proposing to plant a mature holly hedgerow, 1.5 - 1.75 metres high in front of the wall. Consequently, when this development is complete there would be no net loss in the hedgerow along this boundary.

Impact on Neighbours

Due to the distance of neighbouring properties from the site there would be no impact on neighbours (in terms of loss of daylight, sunlight or privacy and visual intrusion from their properties).

Highway Safety

A neighbour has objected on the grounds that the height of the wall makes it impossible for the occupiers of Wayside Cottage to safely leave their driveway as they can not see traffic in Megg Lane. However, the present situation is not considered to be significantly different to that before the development took place. The position of the site entrance has not changed, while a 1.8m dense hedge / close-boarded fence existed in the location of the wall. For these reasons it is not considered that the proposals would compromise the safe exit of vehicles from the site.

Hertfordshire Highways have not raised an objection, however they have stated that it would be preferable for the gates to be set back from the road so as not to impede other road users. Nevertheless, it is not felt that the safety of pedestrians / other road users would be unduly compromised by the proposals. Firstly, the brick pillars are set slightly further back into the site than the hedging and this actually improves slightly sightlines into and out of the property. Secondly, any vehicles using this gate would have naturally slowed right down as they approach this entrance gate. Thirdly, the use of electronic gates would allow them to open as the car approaches the gate. Finally, the gate serves one residential property and the amount of daily vehicle movements using this gate would be very small.

Conclusions

The proposed replacement boundary treatment has been significantly softened through the inclusion of the planting of holly hedging as part of the proposals, while the wall itself is of modest proportions and has been built in matching materials to the house and to a high quality. The proposals therefore respect the character of the existing house, the appearance of the road, and the openness and visual amenity of the Green Belt, and should be supported.

RECOMMENDATION – That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1. The electronic gates hereby permitted shall be constructed in solid timber and shall be stained light oak brown.**

Reason: To ensure a satisfactory appearance to the development in accordance with Policy 11 of the Dacorum Borough Local Plan.

- 2. The holly hedging indicated on Drawing C832 G shall be carried out in accordance with the approved details and at the next available planting season. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area.

- 3. Any part of the approved holly hedging which within a period of five years from planting fails to become established, becomes seriously damaged or diseased, dies or for any reason is removed shall be replaced in the next planting season by a tree or shrub of a species, size and maturity to be approved by the local planning authority.**

Reason: To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance with Policy 11 of the Dacorum Borough Local Plan.

- 4. The development hereby permitted shall be carried out in accordance with the following approved plans:**

Site location plan

C832P

C832G (stamp dated 16 JUL 2012)

Reason: For the avoidance of doubt and in the interests of proper planning.

NOTE 1:

This decision to grant planning permission has been taken for the following reason and having regard to the policies and proposals in the development plan set out below and to all other material planning considerations, including relevant supplementary planning guidance.

There would be no adverse effects on the appearance of the building or the appearance of the street scene. The amenity of adjoining neighbours would not be adversely affected. Car parking within the site is adequate. The visual amenity and openness of the Green Belt would not be adversely affected. The proposals therefore accord with Policy 11 of the Borough Plan.

NOTE 2:

The following policies of the development plan are relevant to this decision:

Dacorum Borough Local Plan 1991 - 2011

Policies 4, 11, 13, 22, 58 and 99

Appendix 5

Dacorum Borough Core Strategy (Pre-submission October 2011)

Policies CS5, CS12

5.7

**4/01239/12/FHA - DROPPED KERB
50 TOWER HILL, CHIPPERFIELD, KINGS LANGLEY, WD4 9LH
APPLICANT: DBC HOUSING SERVICE - MR H WHYTE**

[Case Officer - Nigel Gibbs]

[Grid Ref - TL 03487 02513]

Summary

The application is recommended for approval.

No. 50 is a long established dwellinghouse located in the Green Belt. The formation of the access is an engineering operation which is appropriate development in the Green Belt. The proposal will maintain the Green Belt's openness and there is no conflict with any of its purposes. In these respects the development accords with Policy 4 of the Dacorum Borough Local Plan, Policy C S5 of the Pre- Submission Core Strategy and Paragraph 90 of the NPPF.

The dropped kerb is necessary to provide access to no.50's original front garden which has been previously modified to form a concrete hardstanding for parking.

There are no fundamental highway safety /parking, drainage or crime prevention/security objections. The access will enable use for persons with disabilities.

Site Description

No. 50 is a two storey mid terrace DBC owned dwellinghouse located on the south western side of Tower Hill.

The front garden features a slightly sloping concrete hardstanding with a partial shingle edge. The hardstanding is currently used for parking without an associated access to Tower Hill. Low common boundary walls with nos. 48 and 52 are to each side of the hardstanding. A bus stop is close nearby adjoining no. 52. The 30mph limit is painted on the road surface outside no. 50.

No's 48 and 52 feature hardstandings and associated accesses linked to Tower Hill across the public footpath.

Proposal

This is for the formation of a dropped kerb linking the road with the existing hardstanding. The current tenant is disabled and use of the hardstanding for parking will assist this occupier.

Referral to Committee

The application is referred to the Development Control Committee as the application is submitted by this Council and involves development at a DBC owned building.

Policies

National Policy Guidance

NPPF
Circular 11/95

East of England Regional Plan

Policies SS1, SS2, SS7, T8, ENV2 and ENV7

Dacorum Borough Local Plan

Policies 1, 4, 11, 13, 49, 51, 54, 63 and 96
Appendices 1, 5 and 7

Dacorum Pre-Submission Core Strategy (incorporating the List of Proposed Amendments June 2012)

Policies CS5, CS8, CS11, CS12, CS25, CS29 and CS31

Supplementary Planning Guidance

Environmental Guidelines
Landscape Character Assessment
Chipperfield Village Design Statement

Representations

Chipperfield Parish Council

Unable to respond within the statutory period.

Hertfordshire County Council: Highways

● Recommendation

Does not wish to restrict the grant of permission subject to the following conditions:

1 A scheme for the on-site and regulated discharge of surface water run-off shall be submitted to and approved in writing by the local planning authority.

Reason: To ensure the proposed hardstanding does not discharge on to public highway and overload the existing drainage system.

● Highway Comment

Although the hardstanding has been constructed and falls slightly short of the required 5m depth by 2.750m width (Hertfordshire Highways standards for vehicle crossovers), there is still sufficient space to the rear of the parking space (slight over sailing of the garden area near to the house) as not to warrant an highway objection in this particular case.

As the hardstanding has already been built, the applicant will still need to address the drainage to prevent surface water from being discharge onto the highway network.

● Highway Informative

The Highway Authority require the construction of the vehicle cross-over to be carried out by an HCC approved contractor to HCC 's specification.

Response to Neighbour Notification

None.

Considerations

Policy and Principle

The formation of the access is an engineering operation which is an appropriate form of development in the Green Belt. Therefore the proposal is acceptable in principle.

The proposal will maintain the Green Belt's openness and there is no conflict with any of the purposes of the Green Belt. In these respects the development accords with Policy 4 of the Dacorum Borough Local Plan, Policy CS5 of the Pre- Submission Core Strategy and Paragraph 90 of the NPPF.

Highway Safety/ Parking Implications

HCC Highways is fully satisfied with the proposed access and its relationship with the hardstanding. Formalising the use of the hardstanding for parking has significant highway safety benefits along Tower Hill, importantly providing an off street parking space for the current disabled occupant and any persons with disabilities in the future.

Additional drainage will be necessary to prevent surface water discharge onto the road. This HCC Highways expectation is with full knowledge of the intended purpose of the existing pea shingle edge. The shingle is provided for drainage reasons, complementing the hardstanding's non permeable concrete base.

Design/ Visual Implications/ Impact upon the Street Scene

In the context of the existing appearance of this side of Tower Hill the access and associated hardstanding are compatible with the established rural street scene .

Impact on Neighbours

As the hardstanding adjoins no.48's porch there will be no harm to this dwelling. This is in terms of visual intrusion, noise and headlamp glare.

Due to the effect of the pea shingle edge there is a significant physical separation between the hardstanding and the front ground floor window of no. 52. For these reasons there would be similarly no harm to the residential amenity of no. 52.

There will be no harm to any other dwellinghouses.

Crime prevention/Security Implications

Enabling the parking of a vehicle off the highway will be in the interests of crime prevention. There is less likelihood of theft, vandalism and conflicts over parking.

Conclusions

There are no objections to the proposal subject to the imposition of a condition addressing additional drainage.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **Notwithstanding the details submitted with the application the hardstanding associated with the access shall be served with additional drainage fully in accordance with an approved drainage scheme. The scheme shall be submitted to the local planning authority within 2 months of this decision and installed within 6 months of the date of this decision. Once installed the approved drainage scheme shall be retained at all times.**

Reason: In the interests of highway safety.

- 3 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

Site Location Plan 1

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

NOTE 1:

This decision to grant planning permission has been taken for the following reason, having regard to the policies and proposals in the development plan set out below, national planning policy/guidance, regional planning guidance, to all other material planning considerations, including relevant supplementary planning guidance, the imposition of conditions and the response to neighbour notification.

No. 50 is a long established dwellinghouse located in the Green Belt. The formation of the access is an engineering operation which is appropriate development in the Green Belt. The proposal will maintain the Green Belt's openness and there is no conflict with any of its purposes. In these respects the development accords with Policy 4 of the Dacorum Borough Local Plan, Policy C5 of the Pre- Submission Core Strategy and the NPPF.

The dropped kerb is necessary to provide access to no.50's original front garden which has been previously modified to form a concrete parking hardstanding.

There are no fundamental highway safety /parking, drainage or crime prevention/security objections. The access will enable use for persons with disabilities.

NOTE 2:

The following policies of the development plan are relevant to this decision:

East of England Regional Plan

Dacorum Borough Local Plan 1991-2011

Policies 1, 4, 11, 13, 49, 51, 54, 63 and 96
Appendices 1, 5 and 7

Supplementary Planning Guidance

Environmental Guidelines
Chilterns Design Guide

Dacorum Pre-Submission Core Strategy (incorporating the List of Proposed Amendments June 2012)

Policies CS5, CS8, CS11, CS12, CS25, CS29 and CS31

INFORMATIVES

Hertfordshire County Council Highways Unit has confirmed that Highway Authority require the construction of the vehicle cross-over to be carried out by an HCC approved contractor to HCC 's specification. The applicant will need to apply to the South West Hertfordshire Highways Area Office (Telephone 01923 257000) to arrange this.

In the interests of highway safety there should be no use of the existing hardstanding until the access hereby permitted is formed.

5.8 4/01207/12/FUL - INSTALLATION OF 1X6M COLUMN WITH 2X150W HALIDE FLOOD LIGHTING ADJACENT TO SKATEBOARD PARK CANAL FIELDS, BROADWATER, BERKHAMSTED APPLICANT: BERKHAMSTED YOUTH TOWN COUNCIL

[Case Officer - Nigel Gibbs]

[Grid Ref - **SP 99017 08121**]

Summary

The application is recommended for approval.

The site is located in designated Open Land. The proposal will complement the established skateboard park opened in 2006. The lighting is to reduce the fear of crime and enable greater opportunities for the park's use in the evenings. The new lighting represents an ancillary form of development which accords with the expectations of Policies 9 and 116 of the Dacorum Borough Local Plan and CS 4 of the Dacorum Pre-Submission Core Strategy (incorporating the List of Proposed Amendments June 2012).

The development will be visually compatible with the Open Land and the setting of Berkhamsted Conservation Area by day and night. There will be no adverse effect upon the residential amenity of the area. There are no detailed objections.

Site Description

Berkhamsted Skateboard Park is located in Canal Fields (designated Open Land) just to the south of the floodlit Berkhamsted Tennis and Squash Rackets Club and the elongated access road linked to the Canal Fields Car Park.

The Grand Union Canal is to the south. The nearest residential development is at no's 1 and 2 Tennis Cottages located to the west of the tennis courts. Canal Fields also features a playground, Berkhamsted Bowls Club and Berkhamsted Football Club.

Proposal

This is for the installation of a 6m high column supporting two horizontally aligned 150 watt metal halide luminaires (white light lamps). Each luminaire will be installed with a cowl to reduce light pollution. The lighting is required from dusk to 10pm each day. The application is accompanied by a comprehensive supporting statement.

Background

A survey carried out by Berkhamsted Youth Town Council (April to May 2012) confirmed that while the incidence of anti social behaviour and crime within the vicinity of the Skateboard Park is low, there are concerns regarding the fear of crime during the hours of darkness.

The proposal is to address this issue and create more opportunities to encourage the Skateboard park's use at night. The provision of an additional CCTV camera within the locality is not a feasible option.

BYTC's pre application own consultation included this Council's Anti Social Behaviour Team, the Police, the Planning Department, local community, immediate neighbours and the adjoining sports clubs.

Referral to Committee

The application is referred to the Development Control Committee as the application involves development at a DBC owned site.

Policies

National Policy Guidance

NPFF
Circular 11/95

East of England Regional Plan

Dacorum Borough Local Plan

Policies 1, 2, 9, 11, 54, 63, 72, 83, 113, 120 and 122

Appendices 1 and 8

Dacorum Pre-Submission Core Strategy (incorporating the List of Proposed Amendments June 2012)

Policies CS 1, CS4, CS8, CS109, CS11, CS12, CS25, CS26, CS27, CS28 and CS32

Supplementary Planning Guidance

Environmental Guidelines
Berkhamsted Conservation Area Appraisal

Representations

Parks and Open Spaces

No issue with the lighting apart from the question who will be paying for maintenance and electricity bill.

Noise and Pollution

Based upon discussions there have not been any apparent noise problems associated with the skateboard park. It is understood that given this and the absence of any objections from local residents there are no fundamental objections to the proposal.

Hertfordshire Constabulary (Crime Prevention Design Officer)

No objections.

Environment Agency

No objections.

Canal & River Trust

No objection.

Sport England

No not wish to comment.

Network Rail

No objection and no comment.

Valuation & Estates, Hertfordshire Biological Records Centre, British Telecommunications and EDF Energy

Comments awaited.

Berkhamsted Town Council

No objection

Response to Neighbour Notification/ Site Notice/ Newspaper Advertisement

None.

Note: As confirmed BYTC carried out its own public pre application consultation. Of the 46 respondents 22 were adult residents. 40 believed the lighting to be a good idea. In terms of use there was a split 15 (10 pm), 14 (11pm) and 12 (midnight).

Considerations

Policy and Principle

The proposal is on the site of the former open air swimming pool on designated Open Land. The skateboard site was established after several other alternative proposed sites were not regarded as appropriate in Berkhamsted.

New development on designated Open Land is subject to DBLP Policies 9 and 116. Under 'protective' Policy 9 Open Land's primary purpose is to maintain the generally open character, supporting a range of uses such as leisure which will be retained and encouraged. In this respect the existing use performs a recognised 'Open Land function'.

Complimentary DBLP Policy 116 is supportive of the principle of ancillary buildings and works such as the proposal.

This approach is reinforced by Policy CS4 of the Dacorum Pre-Submission Core Strategy (incorporating the List of Proposed Amendments June 2012).

In terms of DBLP Policy 116 the following criteria must be satisfied if such ancillary development is to be supported:

(a) the location, scale and use of the new development must be well related to the character of existing development, its use and its open land setting; and

(b) the integrity and future of the wider area of open land in which the new development is set must not be compromised.

Also measures to conserve and improve the attractiveness, variety and usefulness of all open land will be investigated, encouraged and promoted.

Set against the existing character of the area featuring a wide range of 'recreational visual paraphernalia' including nearby floodlighting and telegraph poles, the proposal will be visually compatible with the day time local environment / open land character/setting. There will be no harm to the setting of Berkhamsted Conservation Area to the south.

In the context of the nearby lighting associated with the tennis club, football club, railway and some road lighting and the controlled effect cowling, there will be a limited night time impact and resultant compatibility with the existing environment.

Impact on Neighbours; Noise/ Disturbance and Lighting

The skateboard park has been established for a substantial period close to Tennis Court Cottages and the residential canal moorings. In this context, the absence of any comments from the residents/ the Canal & River Trust , that the Environmental Health Unit is not aware of any noise problems generated by the facility, the effects of the cowling and limitation upon the hours of use of the lighting, there will be no demonstrable harm.

Crime Prevention/ Security

The proposal's purpose is to reduce the likelihood of anti social behaviour. The Crime Prevention Officer raises no objections. Moreover, the submitted Design Statement confirmed that the local Police have a close relationship with the skaters and attend BYTC meetings, expressing strong support for the proposal from the earliest discussions and providing advice of how to address the fear of crime.

Highway Safety/Access for Persons with Disabilities/ Emergency Access

The cowling and horizontal alignment of the floodlights should limit the effect upon effect upon driver visibility along the Canal Fields access road.

There will be additional opportunities for persons with disabilities.

Emergency access to the site is feasible from the Canal Fields access road.

Energy Consumption

The increased energy consumption are outweighed by the significant community benefits, enabling the expected much safer use of the skateboard facility.

Ecological Implications

In the absence of any adverse comments from the Environment Agency and the Canal and River Trust and no response from Hertfordshire Biological Centre, there is a case to support the proposal. This is with due regard to the termination of the lighting after 10pm each day.

Rail Safety

Network Rail raise no objections.

Impact upon the Canalside Environment/ River Bulbourne

There will be compatible relationship. This has taken into account the respective responses of the Canal & River Trust and the Environment Agency. The CRT would have taken into account the relative closeness of the residential canal moorings.

Conclusions

The additional lighting is a positive move to ensure that there is less perceived fear of crime at the skateboard park and greater opportunities for its safe use by the skateboard community.

RECOMMENDATION - That planning permission be **GRANTED** for the reasons referred to above and subject to the following conditions:

- 1 **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

Reason: To comply with the requirements of Section 91 (1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004.

- 2 **Both floodlights hereby permitted shall be fitted with an automated time switch which shall switch off each day at 22.00 hours and not switch back on until 15.00 hours the following day.**

Reason: In the interests of safeguarding the local environment.

- 3 **Both luminaires shall be installed and thereafter maintained at all times in a horizontal (90 degree) alignment and fitted with cowls in accordance with the submitted details.**

Reason: To minimise light pollution.

- 4 **The development hereby permitted shall be carried out in accordance with the following approved plans:**

**Site Location Plan
Design and Access Statement
Tamlight Lighting Product Data**

Reason: To safeguard and maintain the strategic policies of the local planning authority and for the avoidance of doubt.

NOTE 1:

This decision to grant planning permission has been taken for the following reason, having regard to the policies and proposals in the development plan set out below, national planning policy/guidance, regional planning guidance, to all other material planning considerations, including relevant supplementary planning guidance, the imposition of conditions, the expert advice of the responding technical consultees and the response to neighbour notification/ publicity.

The site is located in designated Open Land. The proposal will complement the established skateboard park opened in 2006. The lighting is to reduce the fear of crime and enable greater opportunities for the park's use in the evenings. The new lighting represents an ancillary form of development which accords with the expectations of Policies 9 and 116 of the Dacorum Borough Local Plan and CS 4 of the Dacorum Pre-Submission Core Strategy (incorporating the List of Proposed Amendments June 2012)

The development will be visually compatible with the Open Land and the setting of Berkhamsted Conservation Area by day and night. There will be no adverse effect upon the residential amenity of the area. There are no detailed objections.

NOTE 2:

The following policies of the development plan are relevant to this decision:

East of England Plan

Dacorum Borough Local Plan 1991-2011

Policies 1, 2, 9, 11, 54, 63, 72, 83, 113, 120 and 122

Appendices 1 and 8

Supplementary Planning Guidance

Environmental Guidelines
Berkhamsted Conservation Area Appraisal

Dacorum Pre-Submission Core Strategy (incorporating the List of Proposed Amendments June 2012)

Policies CS 1, CS4, CS8, CS109, CS11, CS12, CS25, CS26, CS27, CS28 and CS32

6. APPEALS

A. LODGED

- | | | |
|------|----------------|---|
| (i) | 4/01945/11/FHA | Miss J Talbot
First floor rear extension
40 Ellesmere Road, Berkhamsted |
| | | Delegated |
| (ii) | 4/00359/12/FUL | Mr Bhaloo
Change of use residential to offices
42 Thumpers, Hemel Hempstead |

- Delegated
- (iii) 4/02166/11/FHA Mr M Boniface
Replacement front windows
74 Shrublands Avenue, Berkhamsted
- Delegated
- (iv) 4/01480/11/FUL Mr H Webby
Detached dwelling
Lavender Cottage, Dunny Lane, Chipperfield
- Delegated
- (v) 4/01807/11/FHA Mr T Pike
Two storey side and rear extensions, conservatory &
internal alterations.
Fairfields, The Grovells, Hudnall Common, Little
Gaddesden
- Delegated
- (vi) 4/00061/12/LDP Mr Dunleavy
Dormer (Certificate of Lawfulness)
27 Athelstan Road, Hemel Hempstead
- Delegated
- (vii) 4/02091/11/FHA Mr and Mrs N MacDougall
Rear extension and porch
Old Farm House, Nettleden Road, Frithsden
- Delegated
- (viii) 4/00286/12/FUL The Dean Trust
Construction of a detached dwelling
Land adj. Broom Cottage, Kings Lane, Chipperfield
- Delegated
- (ix) 4/02227/11/RET Mr N Knight
Retention of playhouse
Airlie, Doctors Common Road, Berkhamsted
- Delegated

- (x) 4/000525/12/FHA Mr and Mrs S Ashworth
Piers and gates to Cross Oak Road
Greystoke, Cross Oak Road, Berkhamsted

Committee
- (xi) 4/00462/12/LBC Carluccio's Ltd
Floating timber floor
The Town Hall, High Street, Berkhamsted

Delegated
- (xii) 4/00195/11/FUL Hollywell Properties
Redevelopment of car park for seven dwellings
r/o 121-127 High Street, Berkhamsted

Committee
- (xiii) 4/02174/11/FUL Mr Henry
Demolition of existing dwelling and construction of 4-bed
dwelling
Woodland View, Rossway, Berkhamsted

Delegated

B WITHDRAWN

None.

C FORTHCOMING INQUIRIES

- (i) 4/02174/11/FUL Mr Henry
Demolition of existing dwelling and construction of 4-bed
dwelling
Woodland View, Rossway, Berkhamsted

Delegated

D FORTHCOMING HEARINGS

None

E DISMISSED

- (i) 4/01135/11/LBC David King
Retention of replacement windows

88, Akeman Street, Tring

Delegated

The replacement windows within the grade II Listed cottage fronting Akeman Street in Tring replaced the previous timber windows which had simple glazing bars and were in keeping with the traditional character of the cottage. The replacement double-glazed timber windows (fitted without Listed Building Consent), have thicker glazing bars and incorporate spaces bars with an aluminium finish between the inner and outer panes of glass. These modern features are not in keeping with the traditional character of the cottage, resulting in a degree of harm to its significance which is less than substantial. Such harm should be weighed against the public benefits of the proposal, in this case being improvements to heat and noise insulation. However, it has not been established that these benefits could not be achieved by other means without the harmful effect on the building thus these factors do not outweigh the harm. It was noted that the Council might find remedial works to the windows to be acceptable. Consequently the replacement windows do not comply with Policy 119 of the DBLP.

- (ii) 4/00282/12/FHA Rachel Conradi
Single storey side and rear extensions and porch
47 Chipperfield Road, Bovingdon

Delegated

The Inspector concluded that the further extensions (side and rear) to this Green Belt property, while being acceptable in design terms, represented inappropriate development. The Inspector also felt that the overall increased volume would result in a loss of openness of the Green Belt.

The Inspector also agreed with the Council that the relocation of the front door and the incorporation of a second porch would require significant alterations to one of the 2 front bay windows and would disrupt the regular and balanced appearance of the front elevation. As such the additional porch would appear incongruous and would undermine the character and architectural quality of the house.

- (iii) 4/00662/11/RET Mr and Mrs Lloyd
Retention of dwelling with alterations and removal of
buildings
Doone Brae Farm, Windmill Road

Delegated

Prior to the construction of the log cabin a mobile home was stationed on the site. Policy 23 of the Local Plan specifically excludes temporary residential accommodation from the type of residence that can be replaced by a dwelling house. The appellant contended that as the lawful use of the land allows for the permanent stationing of a mobile home such a home would not be temporary residential accommodation and would effectively be a permanent dwelling. The inspector disagreed with this argument. As a consequence, although the use of the land for the siting of a residential home may be permanent, the accommodation itself is not. Therefore, whilst a mobile home could lawfully be placed on the site instead of the log cabin it would not constitute a permanent dwelling and so could not, under the terms of policy 23, be replaced by a dwelling house. The development as a new dwelling house would therefore represent inappropriate development.

It was proposed as part of the proposed development that 2 dilapidated buildings were to be demolished and an area of open land between the buildings was no longer used for storage. The inspector concluded that a 29sqm reduction in built development on the site, and loss of open storage use sandwiched between the 2 buildings, would mean that there would be a slight improvement in openness.

The inspector was also of the opinion that the log cabin was located in a prominent imposing position overlooking an open valley. The proposal would be lower in height, contain no dormers and have a smaller footprint to the existing unlawful development on site. Nevertheless, by virtue of its location the proposed dwelling would continue to be clearly visible in glimpsed views from Windmill Road. As a consequence, owing to its prominence, it would be poorly set within the landscape. In terms of design, the inspector was of the opinion that, on balance, the building would be in keeping with the local vernacular and not harmful to it.

The removal of the two buildings would tidy up the site but the dwelling would no longer be well related to a group of buildings and its prominence would be accentuated by its increased isolation. Taking all these matters into account, the inspector concluded that whilst the proposal would be of a reasonable form and appearance its position within the landscape would be unduly prominent.

A fall back position of constructing the largest mobile home that can be placed on the appeal site was been put forward. The inspector agreed that the mobile home shown did fall within the criteria, however, it would be a smaller structure than the proposed dwelling. Furthermore, unlike the appeal proposal as buildings 2 and 4 would be retained it would be well related to an existing group of buildings. For these reasons it would not appear as prominent as the appeal proposal.

The inspector concluded that the proposal would cause substantial harm to the Green Belt by reason of inappropriateness. The inspector also concluded that the proposal would unacceptably harm the character and appearance of the area.

F ALLOWED

None

7. EXCLUSION OF THE PUBLIC

To consider passing a resolution in the following terms:

That, under s.100A of the Local Government Act 1972 Schedule 12A Part 1, Paragraph 12 as amended by the Local Government (Access to Information) (Variation) Order 2006 the public be excluded during the item in Part II of the Agenda for the meeting, because it is likely, in view of the nature of the business to be transacted, that if members of the public were present during this item there would be disclosure to them of exempt information relating to:

DACORUM BOROUGH COUNCIL
DEVELOPMENT CONTROL COMMITTEE
MEMBER'S DECLARATIONS OF INTEREST

COUNCILLOR: _____

WARD: _____

MEETING DATE: _____

YOUR DECLARATION FOR THIS MEETING

Application Number and Page No.	Specify Exact Nature of Interest	Is it a Disclosable Pecuniary Interest or Personal or Prejudicial?	Was it a Site Visit? And in what capacity?	Intentions on Speaking and Voting

Signature

DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw to the public seating area.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Members' Register of Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interest are defined in Part 2 of the Members' Code of Conduct.